

# OFFICE OF THE MONITORING COMMITTEE

Constituted by the Hon'ble National Green Tribunal in Original Application no. OA No.916/2018 (earlier OA No.101 of 2014) and OA No.606 of 2018

(Official Address: Tower No.5, 4<sup>th</sup> Floor, Forest Complex,  
Sector 68, SAS Nagar) Tel. No. 0172-2298091

Email: cecswm606@gmail.com

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To

The Registrar,  
Hon'ble National Green Tribunal,  
Faridkot House, Copernicus Marg,  
Near India Gate,  
New Delhi, Delhi 110001

No.CMC/2020/1583

Dated: 17.2.2021

**Subject: Recommendations of the Monitoring Committee in compliance of order dated 15.07.2020 of Hon'ble National Green Tribunal in OA No. 125/2020 in the matter of Kulwant Singh & Ors Vs Union of India & Ors.**

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It is submitted that Hon'ble National Green Tribunal in its order dated 15.07.2020 in OA No. 125/2020 in the matter of Kulwant Singh & Ors Vs Union of India & Ors has passed detailed order (copy of the order is annexed as per **Annexure-1**), the conclusive Para No. 04 of which, is reproduced as under:

**Para No. 04**

*To enable us to proceed further, we direct a joint Committee comprising CPCB, State PCB, SEIAA, Punjab and District Magistrate, Mansa to furnish a factual and action taken report including restoration plan for damage to the environment and assessment of realistic compensation of the damage caused. The nodal agency for compliance will be State PCB. The joint Committee may give an opportunity to unit in question of giving its viewpoint which may be independently verified. The report be furnished within three months by e-mail at [judicialngt@gov.in](mailto:judicialngt@gov.in) preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF. A copy of the report may also be furnished to Justice Jasbir Singh, former Judge of Punjab and Haryana High Court who has been appointed to look into certain environmental issues in the State of Punjab for information and such action as may be found necessary.*

A Joint Committee comprising of the officers namely 1) Sh. Mohinder Paul, IAS, Deputy Commissioner-cum District Magistrate, Mansa. 2) Sh. Suneel Dave, Additional Director, CPCB, New Delhi. 3) Dr. Sunil Mittal, Member SEIAA, Department of Environment, Science & Technology, Central University, Bathinda. 4) Er. Tejinder Kumar, Senior

Environmental Engineer, PPCB, Bathinda, held its meeting on 6.10.2020 in the office of Deputy Commissioner, Mansa and also visited the industry namely M/s Talwandi Sabo Power Plant (TSPL) on the same day to take its view points and to verify the various pollution control devices installed by the industry. The factual and action taken report, w.r.t order dated 15.7.2020 of Hon'ble National Green Tribunal in the matter, submitted by Joint Committee is annexed as per **Annexure-2**.

Based on the factual & action taken report and recommendations of the Joint Committee, the Monitoring Committee has made its further recommendations, which are submitted as under:

### **Recommendations of Monitoring Committee**

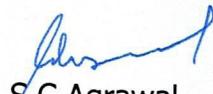
- 1. The industry shall develop a green belt with 3 rows of plants of broad leaf around its periphery to prevent coal dust and fly ash emissions generated by the industry within 03 months. Also, a green buffer of appropriate width between coal handling area and boundary wall of the industry towards the prominent wind direction, shall be provided within 3 months.**
- 2. Punjab Pollution Control Board shall get conduct study on air quality model may be based on Gaussian Model or any other suitable and appropriate model to assess the impact of operation of thermal plant in the area and concentration of pollutants responsible for damage to the human being and agriculture crops from reputed institute on the cost of the industry within 03 months.**

Based on the findings and recommendations of the institute, the industry shall submit its Action Plan to Punjab Pollution Control Board within next 01 month and the compliance of the same may be made by the industry within 06 months.
- 3. Punjab Pollution Control Board shall conduct ground water monitoring in a radius of 10 km from the ash dyke to ascertain the impact of leaching, (if any) through a well designed network i.e. fixed borewells on the cost of the industry within 15 days.**
- 4. That the industry shall undertake the validation of online emission data captured by Online Continuous Emission Monitoring System on 06 monthly basis and provide its report to PPCB for further analysis.**
- 5. The industry shall provide a pucca approach road towards the ash dyke area within 2 months. Proper housekeeping and ash deposited on the road may be removed regularly and on daily basis.**
- 6. So for as the grant of compensation to the farmers is concerned, the Joint Committee has agreed with the amount of compensation assessed by the District Administration for the damage caused to the**

crops of the farmers. Further, nothing contrary was shown by the industry before the Joint Committee. Therefore, the industry may be directed to pay the amount of compensation as assessed by District Administration. Beside, for the loss cause to the environment, which is virtually admitted on the record, the Hon'ble National Green Tribunal may impose environmental compensation of suitable amount for restoration of quality of environment.

7. As per data regarding total dry fly ash and bottom ash generated and its utilization for the year 2018-19, 2019-20, 2020-21 (November 2020) provided by the industry and mentioned in the report of Joint Committee, percentage dry fly ash utilization has been mentioned as 77.6%, 85.2% and 32%, respectively, in the year 2018-19, 2019-20, 2020-21 (November 2020) and bottom ash utilization, for the said years, has been mentioned as 31.4%, 21.8% and 0.21%, respectively, which is low as compared to the quantity of bottom ash generation. Therefore, Punjab Pollution Control Board shall issue necessary directions to the industry for utilization of 100% of dry fly ash for various usages and maximum quantity of bottom ash for other usage as mentioned in notification 14.9.1999, as amended vide notification dated 27.8.2003 and further amendment on 3.11.2009 and 25.1.2016. The industry may also be issued direction to comply with conditions as mentioned in the notification dated 11.11.2020 of Ministry Environment, Forest and Climate Change, Govt. of India (Annexure-3).

  
Dr. Babu Ram

  
S.C Agrawal

  
Justice Jaspir Singh  
Former Judge, Punjab and  
Haryana High Court and now as  
Chairman of the  
Monitoring Committee

Item No. 01

Court No. 1

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

(By Video Conferencing)

Original Application No. 125/2020

Kulwant Singh & Ors.

Applicant(s)

Versus

Union of India & Ors.

Respondent(s)

Date of hearing: 15.07.2020

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON  
HON'BLE MR. JUSTICE S. P. WANGDI, JUDICIAL MEMBER  
HON'BLE DR. SATYAWAN SINGH GARBYAL, EXPERT MEMBER  
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

**ORDER**

1. Prayer in this application is to require Talwandi Sabo Power Limited (TSPL), Mansa to pay environmental compensation for damage to the environment and the agricultural fields on account of unscientific management of the fly ash. On account of such activities radioactive and heavy metals in coal and fly ash have affected the soil, apart from air pollution caused on account of emissions from the plant of the said unit.

2. Case set out in the application is that the applicants are farmers and residents of the area and their agriculture crops have been adversely affected on account of fly ash generated by TSPL. The said plant is using light diesel oil as fuel though it is designed for use of coal only. There is excessive buildup of fly ash in the silos. The SDM assessed compensation at Rs. 84,99,574/- for nuisance under section 133 of the Code of Criminal Procedure which is not being paid. The victims have not been

identified. Coal with ash content exceeding 34% is being used in violation of Rule 3 of the Environment (Protection) Rule, 1986. Emission limits laid down vide notification dated 07.12.2015 are exceeded. FGD has not been installed as required under instructions of the CPCB. The State PCB needs to undertake long time study on radioactivity and heavy metal content in the coal used and fly ash storage and disposal, use of treated water, compensation to the farmer for the damage to their crops in the light of the judgment of SDM dated 20.02.2019, compliance of emission limit and conditions of Environmental Clearance, compliance of judgments of PSERC dated 21.12.2018 and 28.03.2019.

3. We are prima facie satisfied that the application raises substantial questions of environment which need to be adjudicated by this Tribunal. We note that this Tribunal vide order dated 12.02.2020 in O.A. No. 117/2014, *Shantanu Sharma v. UOI & Ors.* directed 100% fly ash utilization in compliance of the Notification of MoEF&CC on the subject and payment of compensation for the default, in the manner laid down in the said order.

4. To enable us to proceed further, we direct a joint Committee comprising CPCB, State PCB, SEIAA, Punjab and District Magistrate, Mansa to furnish a factual and action taken report including restoration plan for damage to the environment and assessment of realistic compensation of the damage caused. The nodal agency for compliance will be State PCB. The joint Committee may give an opportunity to unit in question of giving its viewpoint which may be independently verified. The report be furnished within three months by e-mail at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in) preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF. A copy of the report may also be

furnished to Justice Jasbir Singh, former Judge of Punjab and Haryana High Court who has been appointed to look into certain environmental issues in the State of Punjab<sup>1</sup> for information and such action as may be found necessary.

A copy of this order be sent to CPCB, State PCB, SEIAA, Punjab and District Magistrate, Mansa and Justice Jasbir Singh, by e-mail.

List for further consideration on 07.01.2021.

Adarsh Kumar Goel, CP

S. P. Wangdi, JM

Dr. Satyawan Singh Garbyal, EM

Dr. Nagin Nanda, EM

July 15, 2020  
Original Application No. 125/2020  
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<sup>1</sup>Vide order dated 01.10.2019, O.A. No. 138/2016 (TNHRC), *Stench Grips Mansa's Sacred Ghaggar River* and subsequent orders

Factual and action taken report w.r.t. the orders dated 15.07.2020 of Hon'ble National Green Tribunal in O.A. no. 125/2020 titled " Kulwant Singh & Ors vs Union of India and Others.

**(A) BACKGROUND :**

A complaint was received from the residents of village Raipur, Distt. Mansa on 28.09.2018 regarding air pollution / blowing of fly ash into atmosphere by M/s Talwandi Sabo Power Ltd. (TSPL), Village Banawala, Distt. Mansa and damage of the crop adjoining the premises of the industry i.e. M/s TSPL. To verify the facts regarding the said complaint, the area was visited by the officers of the Punjab Pollution Control Board on 29.09.2018 in the presence of the complainants. It was observed that the industry had re-commissioned all its three units after shut down of three days on 26.09.2018. During starting process after shut down, the industry uses Liquid fuel such as LDO / HFO instead of coal and during this period, the emissions are by-passed without passing through Air Pollution Control Devices (APCD's) installed by the industry as these devices are designed for coal based fuel only. Also, LDO / HFO base emissions cannot be passed through the electrostatic precipitators (APCD) due to technical reason. The industry was given an opportunity of personal hearing before the Chairman, Punjab Pollution Control Board (PPCB) on 27.11.2018, wherein the representative of the industry submitted that during start up of the plant after shut down, the APCD's i.e. ESP's are bypassed till flue gas temperature reaches 110 °C to 120°C and start-up time of power plant to take coal mill system & ESP system in line is more than 24

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hours approximately. During hearing, the Chairman, Punjab Pollution Control Board decided as under:-

1. The industry will study in depth how start-up time of plant can be minimized and submit report to the Board.
2. The industry will submit detailed action plan of stored pond ash utilization; within a month.
3. The industry will take up CSR activities for overall development of neighbouring villages.

The Chief Agricultural Officer, Mansa was also requested vide PPCB letter no. 6294 dtd. 08.10.2018 to send a conclusive report regarding the damage done to the crops alongwith area in acres in which this damage has occurred. The Deputy Commissioner, Mansa was also apprised about the situation / status of the complaint vide Board's letter no. 6426 dated 17.10.2018.

- The same complaint was also given by the residents of village Raipur, Distt. Mansa to District Administration for seeking compensation for their damaged crops. The matter was enquired by the then SDM, Mansa and as per the contents of his enquiry report, the Naib Tehsildar, Sardulgarh has reported vide letter no. 30/RE-2 dated 24.01.2019 that the fly ash of thermal power plant was found lying in an area of about 965 acres of village Raipur. The SDM heard this complaint u/s 133 of the CrPC and had assessed the compensation amounting Rs. 84,99,574/- (Rs. 83,04,912 for damaging 528 acres cotton crop and Rs. 1,94,662 for damaging 375 acres of paddy crop). The SDM, Mansa vide its DO letter 669 dt. 30.04.2019 had sent its enquiry

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report to PPCB for taking necessary action in the matter. Since the enquiry was conducted u/s 133 of CrPC and compensation was imposed under the said provisions by the District Administration, however the Punjab Pollution Control Board has no provision under the Air (Prevention & Control of Pollution) Act, 1981 to collect / impose the Environmental Compensation.

Now, the applicant has filed O.A. no. 125/2020 in the Hon'ble National Green Tribunal and has prayed that M/s TSPL should pay Environmental Compensation for the damage to the environment and the agriculture fields on account of un scientific management of fly ash. It has also been prayed that on account of such activities, radioactive and heavy metals in coal and fly ash have affected the soil, apart from air pollution caused on account of emissions from the plant of M/s TSPL. The Hon'ble National Green Tribunal is pleased to pass an order dated 15.07.2020 directing that a joint committee comprising of CPCB, State PCB, SEIAA, Punjab and District Magistrate, Mansa to furnish a factual and action taken report including restoration plan for damage to the environment and assessment of realistic compensation of the damage caused within a period of three months. The nodal agency for compliance will be State PCB. The joint committee may give an opportunity to unit in question of giving its view point which may be independently verified.

**(B) OBSERVATIONS**

1. In compliance to the Hon'ble NGT order dated 15.07.2020, the following officers have been nominated by the concerned departments for the joint committee :-

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(ii) Sh. Mohinder Paul, IAS, Deputy Commissioner-cum-District Magistrate, Mansa.

(iii) Sh. Suneel Dave, Additional Director, CPCB, New Delhi.

(iv) Dr. Sunil Mittal, Member SEIAA, Department of Environment, Science & Technology, Central University, Bathinda.

(v) Er. Tejinder Kumar, Senior Environmental Engineer, PPCB, Bathinda.

2. The joint committee held a meeting on 06.10.2020 in the office of Deputy Commissioner, Mansa and deliberated the issues. It was decided during the meeting to visit the industry i.e. Talwandi Sabo Power Ltd., (TSPL) to take its view point as well as to verify various pollution control devices installed by the power plant. Accordingly, M/s TSPL was visited by the committee members on the same day i.e. 06.10.2020 and verified the pollution control devices, online continuous monitoring system (OCMS) as well as ash handling area. After the visit, the industry was asked to submit certain documents / information relating to incidental period i.e. for the year, 2018 as well as the current period and the industry requested for some time to submit the requisite documents / information. The committee also discussed the matter with the representative of M/s TSPL for taking their view points in the complaint in question. The representative of the TSPL informed that all the three units of the plant were shut down in the month of September, 2018 on 26.09.2018 due to no demand of electricity and the plant was shut down with the directions of Punjab State Power Corporation Limited (PSPCL), a power regulatory authority in the State of Punjab. They re-commissioned all the three units on 28.09.2018. The representative of the industry further informed that the emissions during plant startup is a common problem in all

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the coal fired Thermal Power Plants in the world till the stabilization of the whole operation. The representative of the industry informed that an expert team i.e. M/s Steag Energy Services Pvt. Ltd., Germany had visited their plant from 15.03.2019 to 23.03.2019 and reviewed operational practices during startup in the industry and subsequently the expert team recommended certain solutions to minimize the startup period. They further informed that earlier a time upto 33 hrs were required for stabilization of plant operation but now they have reduced the time period from 33 hrs to 11hrs by adopting certain practices, the detail of which is as under :

- (i) Boiler filling and coal flushing done through booster pumps.
- (ii) Charging of High Pressure Heater from Cold Re-heater after charging High Pressure / Low Pressure bye-pass (before turbine rolling) and periodical cleaning of Secondary Coil Air Pre Heater.
- (iii) High Pressure Turbine casing preheating from auxiliary steam before charging from High Pressure /Low Pressure bye-pass done at 210°C.
- (iv) Installed upgraded oil gun igniters.
- (v) Using 100% LDO as startup fuel in lieu of HFO and LDO as combined liquid fuel.

Accordingly, the industry has provided the information to the committee intimating that by adopting the above measures the following have been achieved :

**I. Reduction in startup time period**

- (a) During cold start-up – Reduction from 24 hrs to 18 hrs.
- (b) During warm start-up - Reduction from 9 hrs to 4.5 hrs.

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(c) During Hot start-up – Reduction from 3.5 hrs to 1.5 hrs.

a. **Reduction in the liquid fuel consumption resulting in less generation of emissions :**

Year	Consumption of liquid fuel (in KL)
2017-18	6045 KL
2018-19	3540 KL
2019-20	1790 KL

➤ Thereafter, the committee visited M/s TSPL on 06.10.2020 and it was observed as under : -

- i. The industry was in operation.
- ii. The industry has installed 3 no. units of capacity 660 MW each (Total 1980 MW).
- iii. The industry has installed Electro Static Precipitators (ESP's) followed by bag filters as Air Pollution Control Devices with each of the unit separately.
- iv. Total land area of the industry is around 2100 acres out of which 33% of the area i.e. 700 acres is developed under green belt and the year wise detail as submitted by the industry of the plantation developed by it is as under : -

Year	Area covered in Acres
2011-12	12.51
2012-13	138.00
2014-15	84.00
2015-16	264.19
2016-17	202.82
Total	701.52

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- v. The industry is having valid consents under the provisions of Water Act, 1974 & Air Act, 1981, with validity upto 31.03.2023.
- vi. The industry has installed online continuous emission monitoring system on all its stacks for the parameters Particulate matter, SO<sub>2</sub> & NO<sub>x</sub>. During visit, it was observed that the conc. of PM was below 50 mg/Nm<sup>3</sup> (permissible limit) in all the stacks.
- vii. As per the data provided by the industry, the detail of the ash content in the raw coal, washed coal and imported coal is as per the table provided below :

Coal Receipts Details						
	FY17-18		FY18-19		FY19-20	
	Quantity, MT	Ash %	Quantity, MT	Ash %	Quantity, MT	Ash %
Raw Coal	47,13,941	40.35	52,33,995	38.07	34,81,425	39.92
Washed Coal	0	--	9,37,430	32.79	12,82,842	33.18
Imported Coal	8,28,416	5.64	10,53,505	6.58	8,93,864	15.38

To meet the requirement of 34% of the ash content in the coal, the industry is blending the imported coal of low ash content with the Indian coal to meet the legal requirement. Also, as per the data provided by the industry, it was observed that the APCD's are designed for handling the coal having 42% of the ash content and presently the ash content in the coal is less than the said percentage and as such there is no requirement for upgradation of the APCD's.

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- viii. The industry has submitted the data regarding total ash generated and its utilization for the year 2018-19, 2019-20 & 2020-21 (upto November, 2020) and the detail of the same is as under :

Year	Dry Fly ash (MT)	Bottom ash (MT)	Total Ash Generated (MT)	Dry Fly ash Utilization (MT)	% of Dry Fly ash Utilization w.r.t. dry fly ash generation	Bottom ash utilization (MT)	Pond ash utilization (MT)	Total Utilization (MT)	% of total ash Utilization w.r.t. Total ash generation
2018-19	1857568	433542.6	2291110	1441089	77.6%	261912.9	795816.7	2498818	109%
2019-20	1720422	147961.4	1868384	1466409	85.2%	28695.5	512743.9	2007849	107%
2020-21 (upto Nov. 2020)	965880	119186	1085066	307084	32%	0	42387	349471	32.21%

The utilization of the fly ash is to the cement plants and brick kilns directly from the silos through the ash bulkers as per the agreements executed between them (Annexure-I) and the remaining fly ash is disposed off into the ash dykes (which is about 94.7 hectares in area) alongwith the bottom ash.

- ix. The bottom ash which is disposed off into the ash dykes constitutes approx. 60% of the ash and 40% of the water and as such the moisture content in the ash lying in the dykes (pond ash) is maintained, preventing it from being air borne. Also, it was found during the visit to the ash dyke area that the dyke is covered with the vegetation like sarkandas to prevent the ash from being air borne. The total dyke capacity is 6.9 MMT and as per the record maintained by the industry, the current ash lying in

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the dyke is approximately 2.5 MMT and the balance storage capacity would be lasting till 2028.

- x. The industry has installed online continuous emission monitoring system on all its stacks and maintaining the record of the same. As per the record maintained by the industry, the average conc. of PM, NOX & SOX on 28.09.2018 was 64.28 mg/Nm<sup>3</sup>, 390.96 PPM & 1523.27 PPM respectively. The average wind velocity on that day was 19.24 m/sec towards the south west direction which could have resulted in adequate dispersion of the pollutants in the vicinity of the plant.
  - xi. The team also visited the crop area which was reported to be affected during emitting of ash contents on 28.09.2018. It was observed that there were no traces leftover of fly ash / coal dust due to the passage of time of ash contents in and around the crop area.
- The industry has also got conducted the study on radioactivity and heavy metal contents in coal and fly ash of the industry during September, 2018 to March, 2019 from CSIR – Central Institute of Mining & Fuel Research, Barwa Road, Dhanbad, Jharkhand. The institute collected the samples of coal (Indian coal, imported coal, washed coal & mixed coal), dry fly ash, bottom ash & pond ash and its leachate. The report finds that there is dominance of Fe, Mn, Cr & Zn in the coal and coal residue of TSPL. The report concludes that the conc. of heavy metals in Indian coal are higher as compared to imported coal. Radionuclides activity for <sup>233</sup>U (109+2Bq/kg) <sup>226</sup>Ra(107+2 Bq/kg), and <sup>40</sup>K (219+3 Bq/kg) in the analyzed fly ash of TSPL are lower than the world average radionuclides activity in fly ash.

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### Recommendations :

1. The industry is required to develop green belt as per the guidelines of the CPCB / wind barrier to prevent the coal dust and fly ash being escaped from its premises. It is also essential to provide a buffer zone of appropriate width between the coal handling area and the boundary wall towards the prominent wind direction i.e. south west direction.
2. That a study may be allocated and concluded using air quality models and tools for providing an appropriate assessment of impact being caused due to TSPL operation in the given region and what concentrations of PM, SO<sub>2</sub> and NO<sub>x</sub> expected to have caused any damage to human life and agriculture in particular and environment in general and the industry is also required to prepare an action plan based on the findings and conclusion drawn from the study, which is to be implemented in time bound manner.
3. The industry will undertake ground water monitoring in a radius of 10 km from the ash dyke to ascertain the impact of leaching, (if any) through a well designed network i.e. fixed borewells, periodically.
4. That the industry shall undertake the validation of online emission data captured by Online Continuous Emission Monitoring System on 6 monthly basis and provide its report to SPCB for further analysis.
5. The industry is required to maintain a pucca approach road towards the ash dyke area and ensure proper housekeeping and removal of deposition of ash on road, if any.
6. It was felt by the committee that realistic assessment of compensation of the incident occurred about 2 years ago could not be assessed due to lack of

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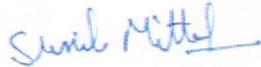
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evidences and the committee is on agreement with the Environmental Compensation amounting to Rs. 84,99,574/- as estimated by the District Administration.

7. Based on the data / information provided by the industry, it is clear to the committee that the industry has not utilized the fly ash as per MoEF& CC notification dated 25.01.2016, however, the industry has demonstrated the efforts made towards the utilization of fly ash so as to comply with the notification and therefore it is recommended that the industry may be asked to explore for more avenues for fly ash utilization.



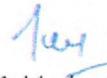
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Kumar, Senior  
Environmental  
Engineer, PPCB,  
Bathinda



Dr. Sunil Mittal, Member  
SEIAA, Deptt. of  
Environment, Science &  
Technology, Central  
University, Bathinda



Sh. Suneel Dave,  
Additional Director,  
CPCB, New Delhi



Sh. Mohinder Paul,  
IAS  
Deputy  
Commissioner,  
Mansa