

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,  
(PRINCIPAL BENCH), NEW DELHI  
I.A. NO. \_\_\_ OF 2025  
IN  
ORIGINAL APPLICATION NO. 977/2024**

**IN THE MATTER OF:**

Renu Rani & Ors. ...Applicant(s)  
VERSUS  
State of Haryana and Ors. ....Respondent(s)

**INDEX**

<b>SL .NO.</b>	<b>PARTICULARS</b>	<b>PAGES</b>
<b>1.</b>	Reply Affidavit on Behalf of Respondent No. 1 The Ministry of Environment, Forest and Climate Change.	<b>1-6</b>
<b>2.</b>	<b><u>ANNEXURE:R/1</u></b> A copy of the EC dated 20.02.2007.	<b>7-10</b>
<b>3.</b>	<b><u>ANNEXURE:R/2</u></b> A copy of the Office Memorandum dated 25.11.2022.	<b>11-13</b>
<b>4.</b>	<b><u>ANNEXURE:R/3</u></b> A copy of the letter dated 02.12.2024.	<b>14</b>
<b>5.</b>	<b><u>ANNEXURE:R/4</u></b> A copy of the inspection report dated 17.12.2024.	<b>15-26</b>
<b>6.</b>	<b><u>ANNEXURE:R/5</u></b> A copy of the letter dated 17.01.2025	<b>27-28</b>
<b>7.</b>	Service Proof.	<b>29</b>

Filed Through



**(NAVEEN KUMAR)**  
(Advocate for the MoEF&CC)  
Address : D-374, Ground Floor,  
Defence Colony, New Delhi – 110024  
(M) +919899697779  
Email. [naveenkraor@gmail.com](mailto:naveenkraor@gmail.com)

Place : New Delhi  
Dated :11.03.2025

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

**Original Application No. 977/2024**

**IN THE MATTER OF: -**

**Renu Rani & Ors.**

**...Applicant(s)**

**VERSUS**

**State of Haryana and Ors.**

**...Respondent(s)**

**REPLY AFFIDAVIT ON BEHALF OF RESPONDENT NO. 1 THE  
MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE  
CHANGE**

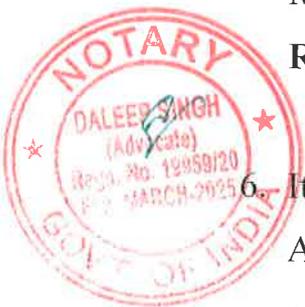
I, Pankaj Verma S/o Shri R. S. Verma presently working as Scientist 'F' in the Ministry of Environment, Forest & Climate Change (hereinafter referred to as "MoEF&CC"), Government of India, New Delhi-110003, do hereby, in my official capacity, solemnly affirm and state on oath as under-

1. That, I am acquainted with the facts and circumstances of the instant case and duly competent to swear the present affidavit on behalf of the Ministry of Environment, Forest & Climate Change based on the official records maintained therein.
2. It is humbly submitted that, all the averments made in the instant Original Application are denied except those, which are specifically admitted herein this Reply Affidavit.



*Pankaj Verma*

3. It is humbly submitted that the instant matter was initiated by this Hon'ble Tribunal based on a letter petition filed by Smt. Renu Rani. The petitioner, through the said letter petition, has raised grievances regarding the improper handling of coal ash by Respondent No. 5. It is contended that fly ash is neither being managed scientifically nor in a regulated manner, resulting in severe air pollution and health hazards for the local population. Additionally, emissions and unscientific handling and storage of fly ash are reportedly causing fly ash leakage from silos and other areas, leading to road damage, accidents, and respiratory ailments.
4. It is humbly submitted that the Answering Respondent has granted an Environmental Clearance (hereinafter referred to as "EC") to the project "1200 MW Hissar Thermal Power Project, Hissar, Haryana by M/s Haryana Power Generation Corporation Ltd." vide letter no. J-13011/18/2006-IA.II(T) dated 20.02.2007. A copy of the EC dated 20.02.2007 has been annexed herewith as **Annexure-R1/1**.
5. It is humbly submitted that the Answering Respondent has been following a set procedure for post-Environmental Clearance Monitoring and Compliance of projects based on the Standard Operating Procedure (hereinafter referred to as "SoP") established vide Office Memorandum dated 25.11.2022. A copy of the Office Memorandum dated 25.11.2022 is annexed herewith as **Annexure - R1/2**.
6. It is humbly submitted that, in line with the above-mentioned SoP, the Answering Respondent vide letter dated 02.12.2024 requested the RO of the Ministry at Chandigarh to furnish a factual status report concerning the issues raised in the Letter Petition, along with an EC



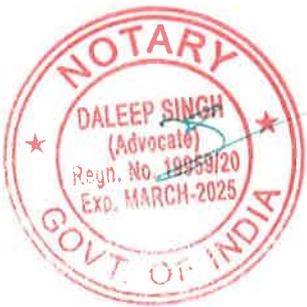
*Daleep Singh*

condition wise compliance status report for the ECs associated with the project. A copy of the letter dated 02.12.2024 has been annexed herewith as **Annexure-R1/3**.

7. It is humbly submitted that, pursuant to the Ministry's letter dated 02.12.2024, the RO Chandigarh carried out a site inspection on 25.10.2024 and 09.12.2024. Based on observations made during the inspection, the factual status report along with EC condition wise Compliance report was submitted to the Ministry vide letter no. 1-26/2024/Misc./Env/eFile dated 17.12.2024. A copy of the inspection report dated 17.12.2024 is annexed herewith as **Annexure-R1/4**.

8. It is humbly submitted that with respect to the concerns raised by the petitioner, RO has made the following observations:

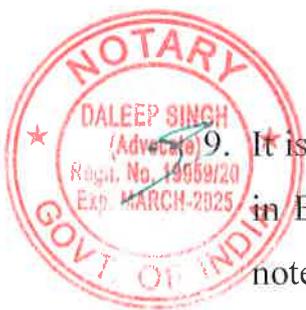
- (i) Hissar Thermal Power plant generates approximately 22 Lakh Metric Ton (herein after referred to as "LMT") of ash annually at 85% Plat Load Factor "hereinafter referred to as "PLF"), out of which 20% i.e. nearly 4.5 LMT of ash is being dumped annually from bottom hoppers in Ash Dyke through wet transportation mode and rest 80% i.e. approx. 17.5 LMT of ash is transferred annually to Ash Silos through dry evacuation mode. Ash transferred to silos i.e. Dry Fly Ash is stored in concrete silos. The plant has 04 of such silos available in Dry Fly Ash silo complex, for storage of fly ash, each having capacity of 1500 MT i.e. total capacity of 6000 Metric Ton (herein after referred to as "MT"). Dry Fly Ash transferred to silo through Cast Iron pipes is disposed on daily basis by unloading it in closed bulkers. Covering of loading bay by PVC sheets to trap fly ash particle coming out of bulker at the time of loading. Water sprinkling system has been installed over the



A handwritten signature in blue ink, appearing to be "Daleep Singh".

complete boundary wall of Silo complex to arrest air borne ash particle from evading silo complex and also to keep silo floor wet to prevent ash particles from being air borne.

- (ii) Further, Ash Dyke area at Hissar Thermal Power plant have 02 lagoons, each spread over approximately 30 ha and individual capacity of each Ash Dyke is approximately 30 LMT. Bottom ash collected in wet form is conveyed to Ash Dyke area through MS pipelines. The approximate distance from ash handling plant to ash dyke is approximately 02 km. The boundary of the ash pond is earmarked properly. However, the bank and slope of the Ash pond needs to be maintained properly with adequate height. The boundary needs to be barricaded with adequate height. Automatic sprinkling system is being installed on approach road and bund road of Ash Dyke to curb air pollution during vehicle movement. Two number of trolley mounted fog cannons have been installed in ash dyke area having maximum throw upto 80 meters.
- (iii) Further, the total saleable pond ash available in the ash dykes of the thermal power plant is 37 LMT, In the year 2023-2024, 12 LMT of pond ash has been auctioned through MSTC (Metal Scrap Trade Corporation Limited), out of 5.70 LMT has been lifted and remaining 6.30 LMT is yet to be lifted and lying in the ash dykes. Considering above, approximately 30 LMT of pond ash remains unallocated apart from fresh generation.



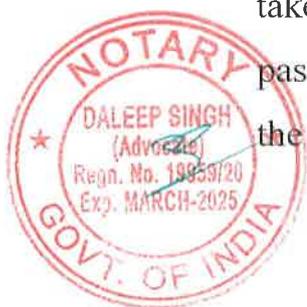
It is humbly submitted that as per the observations of RO Chandigarh in EC Compliance status report, all of the EC conditions have been noted as 'Complied' by project proponent except one (1) EC condition i.e. specific EC condition no. xiv, which has been observed as 'Partially Complied' as the boundary around ash pond/dyke has not

been adequately barricaded to avoid air born of pond ash from the pond. Additionally, with reference to complied EC conditions, the RO in their inspection report have made the following suggestions:

- (i) Though, the project proponent (PP) has achieved an average of 115 % utilization of Ash in last five years, wrt the present stock of 30 LMT (Lakh Metric Tonne) ash content, the PP is directed to clear the ash as per the MoEFCC notification no. S.O. 5481(E) dated 31st December, 2021.
- (ii) As mandated by the EC condition, the PP has developed a greenbelt more than 50 meter wider. However, PP may obtain the verification report/certificate from the local forest department for the green belt development.
- (iii) The RO is regularly receiving half yearly report in offline mode, thus the EC condition is complied. However, the PP was asked to submit the reports by email to Regional Office, Chandigarh.

10. It is humbly submitted that based on the non-compliance observed in the inspection report, the Answering Respondent vide letter dated 17.01.2025 sought and Action Taken Report (ATR) from the Project Proponent directing him to submit a clarification along with an action plan with respect to the above cited non-complied conditions. However, the said ATR is currently awaited. A copy of the letter dated 17.01.2025 has been annexed herewith as **Annexure-R1/5**.

11. It is humbly submitted that, the present reply affidavit may kindly be taken on record and into consideration and the Hon'ble Tribunal may pass appropriate Order(s), direction(s) as deemed fit and proper under the facts and circumstances of the present case.



12. It is humbly submitted that, the Answering Respondent seeks leave to make additional submissions, if required, during the course of the proceedings.

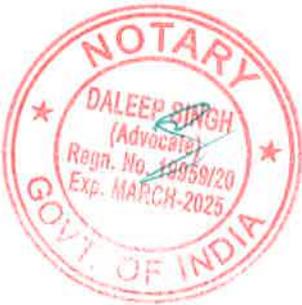
*Pankaj Verma*  
DEPONENT

(पंकज वर्मा)  
(PANKAJ VERMA)  
वैज्ञानिक 'एफ' / Scientist 'F'  
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय  
Min. of Environment, Forest and Climate Change  
भारत सरकार, नई दिल्ली  
Govt. of India, New Delhi

### VERIFICATION

I, the above named Deponent, do hereby verify that the contents of the above affidavit are true and correct to my knowledge as per the records of the answering respondents. No part of it is false and nothing material has been concealed there from. Verified at New Delhi on this 10<sup>th</sup> day of March, 2025. 11 MAR 2025

*Ngvern Kumari*  
*AbR-1725*  
I Identify The Deponent Who Has  
Signed/Put T.I. In my Presence



ATTESTED  
DALEEP SINGH ADVOCATE  
NOTARY DELHI-R-19959  
GOVERNMENT OF INDIA  
SUPREME COURT OF INDIA  
COMPOUND NEW DELHI  
REGISTER Pg./Sl. No. *218/15*

ATTESTED  
NOTARY PUBLIC

11 MAR 2025

*Pankaj Verma*  
DEPONENT

(पंकज वर्मा)  
(PANKAJ VERMA)  
वैज्ञानिक 'एफ' / Scientist 'F'  
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय  
Min. of Environment, Forest and Climate Change  
भारत सरकार, नई दिल्ली  
Govt. of India, New Delhi

## ANNEXURE-R/1

BY SPEED POST

No. J-13011/18/2006-IA.II(T)  
Government of India  
Ministry of Environment & Forests

Paryavaran Bhawan

CGO Complex, Lodi Road  
New Delhi-110 003

Dated: 20<sup>th</sup> February, 2007

To

The Chief Engineer / Projects & Planning  
Haryana Power Generation Corporation Ltd.,  
SCO- 21, Sector □ 11  
Panchkula □ 134 112,  
Haryana

**Sub: 1200 MW Hissar Thermal Power Project, Hissar, Haryana  
by M/s Haryana Power Generation Corporation Ltd.-Environmental Clearance reg.  
Sir,**

The undersigned is directed to refer to your communication no. Ch-Spl2/CE/TD (C)  
-9.ENV dated 12.09.2006 regarding the subject mentioned above. Subsequent information  
furnished vide letters No. 3159/Ch-19/CE/TD(C)-9/NOC/HSPCB/HSR dated 13.10.2006  
& 15.12.2006 have also been considered.

2. The proposal is for grant of environmental clearance under EIA Notification, 1994 for  
setting up of a 1200 MW thermal power plant at Hissar. The power plant shall be either  
2x500 MW or 2x600 MW depending upon finalization of the configuration. The total land  
requirement for the project is 1139 acres, which includes 585 acres for plant and 232 acres  
for ash disposal. The coal requirement is estimated as 5.2 MTPA, which will be obtained  
from the North Karanpura mine at a distance of about 1200 km. The water requirement is  
115200 m<sup>3</sup>/day, which will be met from Barwala Branch of Bhakra Canal System. Public  
hearing for the project was held on 04.09.2006 and NOC was issued by Haryana State  
Pollution Control Board on 25.10.2006. The project cost is Rs 4564.21 crores including  
Rs 251.02 crores for environmental protection measures.

3. The proposal has been considered in accordance with para 12 of the EIA Notification dated 14<sup>th</sup> September, 2006 read with sub  
clause (i) of clause 2.1.1 of sub para 2.1 of para 2.0 of the Circular No. J-11013/41/2006 □ IA.II (I) dated 13<sup>th</sup> October, 2006 and  
environmental clearance is hereby accorded under the provisions there of subject to implementation of the following  
terms and conditions:

(i) All the conditions stipulated by Haryana State Pollution Control Board vide their letter  
no. HSPCB/2006/TAC-A/2220 dated 25.10.2006 shall be strictly implemented.

(ii) The proposed configuration of the project (2x600 MW) could be changed provided that the total capacity of the power plant shall not exceed 1200 MW and that no individual unit shall be less than 500 MW.

(iii) The total land requirement shall not exceed 1139 acres for all the activities/facilities of the power project put together.

(iv) No additional land will be allowed to bring the water up to the project site.

(v) Ash and sulphur contents in the coal to be used in the project shall not exceed 34% and 0.39% respectively.

(vi) Two stacks of 275 m height each shall be provided with continuous online monitoring equipments. Exit velocity of at least 21.5 m/sec shall be maintained.

(vii) High efficiency Electrostatic Precipitator (ESP) with efficiency not less than 99.9 % shall be installed to ensure that particulate emission does not exceed 100 mg/Nm<sup>3</sup>.

(viii) Space provision shall be made for Flue Gas De-sulphurisation (FGD) unit, if required at a later stage.

(ix) Township shall not be located in the predominant downwind direction.

(x) Closed circuit cooling system with COC of 5 shall be provided.

(xi) A minimum distance of 250 m (Two hundred & fifty metres) shall be kept between the boundary of the project and the National Highway. No structure shall be put up within 250 m (Two hundred & fifty metres) distance of the highway.

(xii) Adequate dust extraction system such as bag filters and water spray system in dusty areas such as coal and ash handling areas, transfer areas and other vulnerable areas shall be provided.

(xiii) Fly ash shall be collected in dry form and ash generated shall be used in a phased manner as per provisions of the notification on Fly Ash Utilization issued by the Ministry in September, 1999 and its amendment. By the end of 9<sup>th</sup> year full fly ash utilization should be ensured. Unutilized ash shall be disposed off in the ash pond in the form of High Concentration Slurry.

(xiv) Ash pond shall be lined with impervious lining. Adequate safety measures shall also be taken so that pond ash does not become air borne to cause air pollution in the surrounding areas.

(xv) Rain water harvesting shall be practiced. A detailed scheme for rain water harvesting to recharge the ground water aquifer shall be prepared in consultation with Central Ground Water Authority/State Ground Water Board and a copy of the same shall be submitted within three months to the Ministry.

(xvi) The treated effluents conforming to the prescribed standards shall be re-circulated and reused within the plant. There shall be no discharge outside the plant boundary. In case of emergency, discharges to the extent of only 80 m<sup>3</sup>/hr from the plant may be done in the drain which shall not meet the river Yamuna at any point.

(xvii) Regular monitoring of ground water in and around the ash pond area shall be carried out, records maintained and quarterly reports shall be furnished to the Regional Office of this Ministry.

(xviii) A 50 m wide greenbelt shall be developed all along the plant, ash pond and township boundary covering a total area of 284 acres. In addition, properly designed

greenbelt will be developed between the plant boundary and the National highway as also residential colony of the plant to minimize the impact of fugitive emissions and aesthetics. (xix) First aid and sanitation arrangements shall be made for the drivers and other contract workers during construction phase.

(xx) Leq of Noise level should be limited to 75 dBA and regular maintenance of equipment be undertaken. For people working in the high noise areas, personal protection devices should be provided.

(xxi) Regular monitoring of the ambient air quality shall be carried out in and around the power plant and records maintained. The location of the monitoring stations and frequency of monitoring shall be decided in consultation with SPCB. Quarterly reports shall be submitted to the Regional Office of this Ministry.

(xxii) The project proponent shall advertise in at least two local newspapers widely circulated in the region around the project, one of which shall be in the vernacular language of the locality concerned, informing that the project has been accorded environmental clearance and copies of clearance letters are available with the State Pollution Control Board/ Committee and may also be seen at Website of the Ministry of Environment and Forests at <http://envfor.nic.in>.

(xxiii) A separate environment monitoring cell with suitable qualified staff should be set up for implementation of the stipulated environmental safeguards.

(xxiv) Half yearly report on the status of implementation of the stipulated conditions and environmental safeguards should be submitted to this Ministry/ Regional Office/CPCB/SPCB.

(xxv) Regional Office of the Ministry of Environment & Forests located at **Chandigarh** will monitor the implementation of the stipulated conditions. A complete set of Environmental Impact Assessment Report and Environment Management Plan along with the additional information submitted from time to time shall be forwarded to the Regional Office for their use during monitoring.

(xxvi) Separate funds should be allocated for implementation of environmental protection measures along with item-wise break-up. This cost should be included as part of the project cost. The funds earmarked for the environment protection measures should not be diverted for other purposes and year-wise expenditure should be reported to the Ministry.

(xxvii) Full cooperation should be extended to the Scientists/Officers from the Ministry/Regional Office of the Ministry at **Chandigarh** /the CPCB/the SPCB who would be monitoring the compliance of environmental status.

4. The Ministry reserves the right to revoke the clearance if conditions stipulated are not implemented to the satisfaction of the Ministry.

5. The environmental clearance accorded shall be valid for a period of 5 years to the start of production operations by the power plant.

6. In case of any deviation or alteration in the proposed project from that submitted to this Ministry for clearance, a fresh reference shall be made to the Ministry to assess the adequacy of the condition(s) imposed and to incorporate additional environmental protection measures required, if any.

7. The above stipulations shall be enforced along with others as under the Water (Prevention and Control of Pollution) Act, 1974, the Air (Prevention and Control of Pollution) Act, 1981, the Environment (Protection) Act, 1986 and rules there under, The Manufacture, Storage and Import of Hazardous Chemical Rules, 1989, Hazardous Wastes (Management and Handling) Rules, 1989, the Public Liability Insurance Act, 1991 and rules there under.

(Dr. S.K. Aggarwal)  
DIRECTOR

**Copy to:**

1. The Secretary, Ministry of Power, Shram Shakti Bhawan, Rafi Marg, New Delhi - 110001.
2. The Secretary (Environment), Deptt. of Environment, Haryana Civil Secretariat, Government of Haryana, Chandigarh.
3. The Chairman, Central Electricity Authority, Sewa Bhawan, R.K. Puram, New Delhi-110066.
4. The Chairman, Haryana State Pollution Control Board, C-11, Sector-6, Panchkula, Haryana - **with a request to display a copy of the clearance letter at the Regional Office, District Industries Centre and Collector's office for 30 days.**
5. The Chairman, Central Pollution Control Board, Parivesh Bhawan, CBD-cum-Office Complex, East Arjun Nagar, Delhi-110032.
6. The Chief Conservator of Forests, Northern Regional Office, Ministry of Environment & Forests, SCO 132-133, Sector 34-A, Chandigarh-160022
7. The Director (EI), MOEF.
8. Guard file.
9. Monitoring file.

(Dr. S.K. AGGARWAL)  
DIRECTOR

IA-J-11014/112/2022-IA-I  
Government of India  
Ministry of Environment, Forest & Climate Change  
Impact Assessment Division  
\*\*\*

Indira Paryavaran Bhavan,  
Jor Bagh Road, New Delhi-110 003  
Dated: 25<sup>th</sup> November, 2022

**Office Memorandum**

**Sub:- Standard Operating Procedure (SOP) for Post Environmental Clearance Monitoring and Compliance of the project -reg.**

**Background**

The Ministry has established 19 Integrated Regional Office (IROs) vide Notification No. 1-5/2013-ROHQ dated 13<sup>th</sup> August, 2020 with a view to achieving mandated outcomes related to Monitoring and Compliance of the project in an improved, timely and effective manner.

2. As far as monitoring and compliance of EC conditions are concerned, as per para 10 of the EIA Notification, 2006, it is mandatory for the project proponent to submit half-yearly compliance reports in respect of the stipulated EC conditions to the Ministry and its Integrated Regional Offices (IROs).

**The prescribed SOP wrt the Monitoring & Compliance is as given below:**

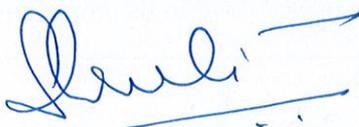
**1. IROs undertake inspection of the unit, with respect to the following scenarios:**

- i. IRO identifies ambiguity in half-yearly compliance reports with respect to the stipulated EC conditions submitted by Project Proponent (PP).
- ii. PP request IRO for issuance of Certified Compliance Report (CCR) in order to apply for expansion of the project under EIA, Notification 2006.
- iii. Complaint received against the project.
- iv. Direction from the Ministry based on PMO/VIP/PG/RTI etc. references.
- v. Random Inspection of projects.
- vi. Direction from Hon'ble court in various Court Matter.

2. Based on the observations during Monitoring IRO seeks Clarification/Action Taken Report (ATR) to the PP and submit Monitoring Report along with the clarification letter to the Ministry.

3. If PP fails to respond to it a reminder letter is sent by IA-Monitoring Cell allowing PP to submit ATR in 15 days.

4. **Action on the Monitoring Report by the Monitoring Cell:** Monitoring Cell of Ministry analyse the monitoring report submitted by IRO. Based on the observed Major and Minor partial/non-compliances clarification/ATR, if necessary, is sought from Project Proponent with direction to submit the response within a period of Thirty (30) days. If PP fails to submit the response of clarification/ATR letter within the time line period, a reminder letter as warning issued to the PP.



5. The response submitted by PP is examined in the Ministry and the Action taken report submitted by PP is sent to IRO for further verification. Based on IRO's verification report following actions are contemplated:

- i. If no satisfactory action has been taken by the PP and EC conditions are yet to be complied Ministry may issue Show-Cause Notice under the Section 5 and other provisions which may include Section 15 and 19 of the Environment (protection) Act, 1986.
- ii. If it is observed that the non-compliances are not rectified, Ministry provides an opportunity to PP for clarification in personal hearing under the chairmanship of officer not below the rank of Joint Secretary. Based on the outcome of the personal hearing if necessary, direction for Compensation/Suspension of EC may be issued.
- iii. If it is observed that PP has taken credible action to comply with the condition and the action is expected to be completed with some additional time, Ministry grant additional time in which actions are expected to be completed by PP to fully comply with the conditions mentioned in the EC and submit the compliance report duly verified by concerned IRO to the Ministry.
- iv. If it is observed that PP has now complied with all the conditions and the same has been confirmed in the verification report, Ministry issues Action Closure Letter (ACL) to the PP with direction to continuously submit six monthly compliance report on time.
- v. If it is observed that PP has violated the provisions of EIA Notification, 2006 and attracts the provisions of SOP dated 07.07.2022, Monitoring Cell intimates the concerned sector for taking appropriate action as deem fit.

**6. Action after issuance of Show Cause Notice:**

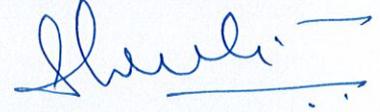
- i. Monitoring Cell of the Ministry prescribes a time line of Fifteen (15) days or Thirty (30) days for submission of reply of SCN based on the gravity of non-compliances. If PP fails to submit the response of SCN within the prescribed time period, if necessary, a warning letter may be issued.
- ii. The response to SCN submitted by PP is examined in the Ministry and if found necessary the reply submitted by PP is sent to IRO for further verification. Based on IRO's verification report following actions are contemplated:
  - a) If it is observed that PP has now complied with all the conditions and the same has been confirmed in the verification report, Ministry issues ACL to the PP with direction to continuously submit six monthly compliance report on time.
  - b) If it is observed that the non-compliances are not rectifiable, Ministry provides an opportunity to PP for clarification during personal hearing under the chairmanship of officer not below the rank of Joint Secretary. Based on the outcome of the personal hearing if necessary, direction for Compensation/Suspension of EC may be issued.

**7. Action in other scenarios:**

- i. If it is observed that there is imminent risk to the environment and health due to noncompliance by the PP, SCN with time line of Fifteen (15) days is issued to PP. If PP fails to submit the response of SCN within the prescribed time period, if necessary



- a warning letter may be issued otherwise after Fifteen (15) days personal hearing may be conducted under the chairmanship of officer not below the rank of Joint Secretary.
- ii. Based on the outcome of the personal hearing if necessary, direction for Suspension of EC or other prescribed action under EPA may be issued.
  - iii. If it is observed that due to non-compliance, accident has already been taken place, Ministry may immediately suspend the EC of the project till all the conditions are complied and duly verified by concerned IRO.



**(Dr. Shruti Rai Bhardwaj)**  
**Addl. Director/Scientist 'E'**

Encl.: As above

To,  
All Concerned

Copy for information to:

1. PS to Hon'ble Minister for Environment, Forest and Climate Change
2. PS to Hon'ble MoS (EF&CC)
3. PPS to Secretary (EF&CC)
4. PPS to DGF&SS (EF&CC)
5. PPS to AS (TK)/PPS to JS(SKB)
6. Guard File/Spare Copies
7. US(IT)/Consultant(IT)

## ANNEXURE-R/3

URGENT  
COURT MATTER

File no IA-L-11011/69/2024-IA-I  
Government of India  
Ministry of Environment, Forest and Climate Change  
(I.A. Compliance and Monitoring Division)

\*\*\*\*\*

Indira Paryavaran Bhavan  
Jor Bagh Road, Aliganj  
New Delhi-110 003  
Dated: 02<sup>nd</sup> December, 2024

To,

Deputy Director General of Forests (C),  
Ministry of Environment, Forest and Climate Change,  
Integrated Regional Office, Bays No. 24-25, Sector 31 A,  
Dakshin Marg, Chandigarh – 160030

**Sub: OA No. 977 /2024 in the matter of 'Renu Rani & Ors. v. State of Haryana & Ors.'**  
before the Hon'ble NGT (PB), New Delhi-reg.

Ref:

- i. A copy of the Letter Petition.
- ii. A copy of the NGT's order dated 03.10.2024 and 05.11.2024.
- iii. A copy of the Progress Report dated 04.11.2024 submitted by the Joint Committee.

Sir,

This is in reference to the OA No. 977/2024 titled 'Renu Rani & Ors. v. State of Haryana & Ors' pending before the Hon'ble NGT, Principal Bench, New Delhi. The Applicant has raised concerns regarding unscientific handling and storage of fly ash by the Rajiv Gandhi Thermal Power Plant a unit of Haryana Power Generation Corporation Ltd. leading to severe air pollution, health risks, and associated impacts, including road damage and migration of local residents.

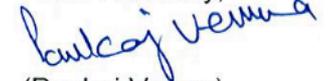
2. In this regard, the Regional Office (RO) of the Ministry at Chandigarh is requested to furnish a (i) factual status report concerning the issues raised in the letter petition, along with (ii) EC condition-wise compliance status report (s) for all the ECs associated with the project.

3. Being a court matter, the reports may be furnished to the Ministry at the earliest. The next date of hearing is on 19.12.2024.

This issues with the approval of the competent Authority.

Enclosed: as above.

Yours Faithfully,



(Pankaj Verma)  
Scientist 'E'

Email: Pankaj.verma@nic.in

Tel: 011-20819270 (O)



F. No.: 1-26/2024/Misc./Env/eFile



Dated: 17/12/2024

To

Sh. Pankaj Verma,  
Scientist 'E'  
Compliance and Monitoring Division-IA Division,  
Ministry of Environment Forest and Climate Change,  
Indira Paryavaran Bhawan, Jor Bagh Road,  
Aliganj, New Delhi- 110003

**Sub: OA No. 977/2024 in the matter of "Renu Rani & Ors. Versus State of Haryana & Ors" before the Hon'ble NGT (PB), New Delhi- reg.**

Ref.: Your letter No. IA-L-11011/69/2024-IA-I dated 02.12.2024

Sir,

In the above cited reference and subject matter, please find enclosed herewith the Factual Status Report along with EC Condition-wise Compliance Report based on the site inspections carried out on 25.10.2024 & 09.12.2024 for your consideration and further necessary action.

Encl.: As above

Yours faithfully,

(Dr. K Muthamizh Selvan)

Addl. Director /Scientist 'E'

**GOVERNMENT OF INDIA  
MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE  
Regional Office, Chandigarh**

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**Factual Report on the O.A. No 977/2024 in the matter of Renu Rani & Ors Vs State of Haryana & Ors pending before Hon'ble NGT (PB), New Delhi.**

**Background**

The original application was registered on a letter petition sent by the Grma Panchyat, Khedad, Block Barwala District. The Complainant has stated that the Haryana Power Generation Corporation Ltd. Panchkula is not managing the coal ash scientifically regulated manner. The emission of fly ash and its unscientific storage and handling is causing huge air pollution in the area and also creating health hazards to the local people. Further, the emission of fly ash, its unscientific storage and handling is causing huge air pollution in the area. In this context, a site inspection was carried out on 25.10.2024 & 09.12.2024 and followings were observed;

The dry fly ash is being stored in silos and slurry is being transported to ash pond which is two kilometer away from the main plant.

**Observations at Dry fly ash stored in Silos**

- Hissar Thermal Power plant generates approximately 22 LMT of ash annually at 85% PLF, out of which 20% i.e. nearly 4.5 LMT of ash is being dumped annually from bottom hoppers in Ash Dyke through wet transportation mode and rest 80% i.e. approx. 17.5 LMT of ash is transferred annually to Ash Silos through dry evacuation mode.
- Ash transferred to silos i.e. Dry Fly Ash is stored in concrete silos. 04 number of such silos are available in DFA silo complex, for storage of fly ash, each having capacity of 1500 MT i.e. total capacity of 6000MT.
- Dry Fly Ash transferred to silo through Cast Iron pipes is disposed on daily basis by unloading it in closed bulkers.
- Covering of loading bay by PVC sheets to trap fly ash particle coming out of bulker at the time of loading.
- Water sprinkling system has been installed over the complete boundary wall of Silo complex to arrest air borne ash particle from evading silo complex and also to keep silo floor wet to prevent ash particles from being air borne.

### Observations at Ash pond/Dyke

- Ash Dyke area at Hissar Thermal Power plant have 02 no lagoons, each spread over approximately 30 Ha and Individual capacity of each Ash Dyke is approximately 30 LMT. Bottom ash collected in wet form is conveyed to Ash Dyke area through MS pipelines. The approximate distance from ash handling plant to ash dyke is approximately 02 km.
- The boundary of the ash pond is earmarked properly. However, the bank and slope of the Ash pond needs to be maintained properly with adequate height. The boundary needs to be barricaded with adequate height.
- Automatic sprinkling system is being installed on approach road and bund road of Ash Dyke to curb air pollution during vehicle movement.
- Two number of trolley mounted fog cannons have been installed in ash dyke area having maximum throw upto 80 meters.

The total saleable pond ash available in the ash dykes of RGTPP is 37 LMT, In the year 2023-2024, 12 LMT of pond ash has been auctioned through MSTC, out of 5.70 LMT has been lifted and remaining 6.30 LMT is yet to be lifted and lying in the ash dykes. Considering above, approximately 30 LMT of pond ash remains unallocated apart from fresh generation. Environmental Clearance was issued to Hissar Thermal Power Project, Hissar Haryana on 20<sup>th</sup> February 2007. **The compliance of the EC conditions is placed at Annexure I.**

**DESCRIPTIVE REPORT ON STATUS OF COMPLIANCE TO CONDITIONS OF ENVIRONMENTAL CLEARANCE (EC) & ENVIRONMENTAL MANAGEMENT EC No.: J-13011/18/2006-IA.II(T) dated 20.02.2007**

<b>S. No.</b>	<b>EC Conditions</b>	<b>Compliance Status</b>
<b>i</b>	All the conditions stipulated by Haryana State Pollution Control Board vide their letter no. HSPCB/2006/TAC-A/2220 dated 25.10.2006 shall be strictly implemented.	<b>Complied:</b> The PP has obtained the CTE, CTO and Hazardous Waste Authorization from Haryana State Pollution Control Board.
<b>ii</b>	The proposed configuration of the project (2x600 MW) could be changed provided that the total capacity of the power plant shall not exceed 1200 MW and that no individual unit shall be less than 500 MW.	<b>Complied:</b> As per the EC Condition the PP has installed the two units, each having 600 MW capacities. The total installed and operative capacity of plant is 1200 MW i.e. (2X600).
<b>iii</b>	The total land requirement shall not exceed 1139 acres for all the activities/facilities of the power project put together.	<b>Complied:</b> As per the Schedule of Land submitted by PP the total area is 1055.79 acres so well within prescribed limit i.e. 1139 acres.
<b>iv</b>	No additional land will be allowed to bring the water up to the project site.	<b>Complied:</b> The PP has not taken any additional land, the whole project land is 1055.79 acres only.
<b>v</b>	Ash and sulphur contents in the coal to be used in the project shall not exceed 34% and 0.39% respectively.	<b>Complied:</b> As per the test report submitted by the PP, ash contents in the coal are more than 34%. However, the PP has submitted that this condition is modified by MOEF&CC vide Office Memorandum F. No.J-13012/8/2009-IA.II dated 11.11.2020. The details of change in Coal source and quality are submitted along with six monthly

		compliance report.
<b>vi</b>	Two stacks of 275 m height each shall be provided with continuous online Monitoring equipment's. Exit velocity of at least 21.5 m/sec shall be maintained.	<b>Complied:</b> The stacks height is 275 M and is fitted with OCMS. The exit velocity is maintained above 21.5 m /sec and has been verified from the third party reports submitted by the PP.
<b>vii</b>	High efficiency Electrostatic Precipitator (ESP) with efficiency not less than 99.9 % shall be installed to ensure that particulate emission does not exceed 100 mg/m3.	<b>Complied:</b> The PP has submitted the efficiency study report by third party for Electrostatic Precipitator (ESP) showing more than 99.9% efficiency. Further the PM level in flue gases is maintained below 50 mg/NM3.
<b>viii</b>	Space provision shall be made for Flue Gas De-sulphurisation (FGD) unit, if required at a later stage.	<b>Complied:</b> The PP has already made the provision for FGD space in Plant Master layout Plant.
<b>ix</b>	Township shall not be located in the predominant downwind direction.	<b>Complied:</b> Predominantly wind direction in Barwala is WNW. The Township is located in north-west direction.
<b>x</b>	Closed circuit cooling system with COC of 5 shall be provided.	<b>Complied:</b> The PP has installed Closed Circuit Cooling system and maintaining the COC above 5.
<b>xi</b>	A minimum distance of 250 m (Two hundred & fifty metres) shall be kept between the boundary of the project and the National Highway. No structure shall be put up within 250 m (Two hundred & fifty metres) distance of the highway.	<b>Complied:</b> The PP has not erected any structure in this area only greenbelt is developed within this area i.e. 250 meters.
<b>xii</b>	Adequate dust extraction system such	<b>Complied:</b>

	as bag filters and water spray system in dusty areas such as coal and ash handling areas, transfer areas and other vulnerable areas shall be provided.	The PP has installed dust extraction as well as dust suppression system in coal handling area and transfer area. Further in ash handling area bag filters along with dust suppression systems are installed. Similarly, in Ash handling area also water sprinklers, fog cannons and water tanker for spraying are installed.
<b>xiii</b>	Fly ash shall be collected in dry form and ash generated shall be used as phased manner as per provisions of the notification on Fly ash Utilization issued by the Ministry in September, 1999 and its amendment by the end of 9 <sup>th</sup> year full fly ash utilization should be ensured. Unutilized ash shall be disposed off in the ash pond in the form of High Concentration slurry.	<b>Complied:</b> The PP has achieved an average of 115 % utilization of Ash in last five years. MOEFCC has extended the timeline vide notification no. S.O. 5481(E) dated 31 <sup>st</sup> December, 2021, for 100% utilization of legacy ash within ten year from the date of this notification i.e. by December 2031. At present stock of ash content is approximately 30 LMT.
<b>xiv</b>	Ash pond shall be lined with impervious lining. Adequate safety measures shall also be taken so that pond ash does not become air borne to cause pollution in the surrounding areas.	<b>Partially Complied.</b> <b>The PP has ear marked the ash pond / dyke with proper boundary. However, the boundary should be adequately barricaded to avoid air born of pond ash from the pond.</b> <b>The PP has done the water sprinkler system, two fog cannons and water tankers are used for water spraying.</b>
<b>xv</b>	Rain water harvesting shall be practiced., A detailed scheme for rain water harvesting to recharge the ground water aquifer shall be prepared in consultation with Central Ground Water Authority/State Ground Water Board and a copy of the same shall be	<b>Complied:</b> The PP has developed Two nos. of rain water harvesting ponds to collect the rain water the cumulative capacity is 30,000 M <sup>3</sup> .

	submitted within three months to the Ministry.	
<b>xvi</b>	The treated effluents conforming to the prescribed standards shall be recirculated and reused within the plant. There shall be no discharge outside the plant boundary. In case of emergency, discharges to the extent of only 80 m <sup>3</sup> /hr from the plant may be done in the drain which shall not meet the river Yamuna at any point.	<b>Complied:</b> The PP has maintained a zero liquid discharge status for the plant. The effluent generated from various sources is treated at centralized treatment plant and is used well within the plant.
<b>xvii</b>	Regular monitoring of ground water in and around the ash pond area shall be carried out, records maintained and quarterly reports shall be furnished to the Regional Office of this Ministry.	<b>Complied:</b> The PP has submitted the report of ground water samples that are tested in the plant premises.
<b>xviii</b>	A 50 m wide greenbelt shall be developed all along the plant, ash pond and township boundary covering a total area of 284 acres. In addition, properly designed greenbelt will be developed between the plant boundary and the National highway as also residential colony of the plant to minimize the fugitive emissions and aesthetics.	<b>Complied:</b> The PP has developed a greenbelt more than 50 meter wider. <b>However, the PP may obtain the verification report/certificate from the local forest department for the green belt development.</b>
<b>xix</b>	First aid and sanitation arrangements shall be made for the drivers and other contract workers during construction phase.	<b>Not Applicable:</b> The condition pertains to construction phase. However, at present the PP has Occupational health centre at the site
<b>xx</b>	Leg of Noise level should be limited to 75 dBA and regular maintenance of equipment to be undertaken. For people working in the high noise areas,	<b>Complied:</b> The PP has submitted that the test report of the noise level monitoring. The Ear Plugs and Earmuffs are used by plant

	personal protection devices should be provided.	personnel working in high noise areas.
<b>xxi</b>	Regular monitoring of the ambient air quality shall be carried out in and around the power plant and records maintained. The location of the monitoring stations and frequency of monitoring shall be decided in consultation with SPCB. Quarterly report shall be submitted to the Regional Office of this Ministry.	<b>Complied:</b> The PP has submitted that the regular monitoring is carried out by third party and reports are submitted to SPCB and six monthly to MOEFCC along with compliance report. Further the PP has also installed CAAQMS for real time monitoring of ambient air quality.
<b>xxii</b>	The project proponent shall advertise in at least two local newspapers widely circulated in the region around the project, one of which shall be in the vernacular language of the locality concerned, informing that the project has been accorded environmental clearance and copies of clearance letters are available with the State Pollution Control Board/ Committee and may also be seen at Website of the Ministry of Environment and Forests at <a href="http://envfor.nic.in">http://envfor.nic.in</a> .	<b>Complied:</b> The PP has submitted that they have advertised the same at that time but unable to find old data now.
<b>xxiii</b>	As separate environment monitoring cell with suitable qualified staff should be set up for implementation of the stipulated environmental safeguards.	<b>Complied:</b> The PP has developed a separate Environment cell is in place at RGTPS. A qualified Environment engineer heading the cell and reporting to Chief engineer.
<b>xiv</b>	Half yearly report on the status of implementation of the stipulated conditions and environmental safeguards should be submitted to this	<b>Complied</b> The PP has regularly submitting the Half yearly compliance report Ministry/ Regional Office/CPCB/SPCB by offline

	Ministry/ Office/CPCB/SPCB.	Regional mode. <b>However, The PP has been directed to submit the reports by email.</b>
<b>xv</b>	Regional Office of the Ministry of Environment & Forests located at Chandigarh will monitor the implementation the stipulated conditions.  A complete set of Environmental Impact Assessment Report and Environment Management Plan along with the additional information submitted from time to time shall be forwarded to the Regional Office for their use during monitoring.	<b>Complied:</b>  The PP has submitted a hard copy of Environment Management Plan.
<b>xvi</b>	Separate funds should be allocated for implementation of environmental protection measures along with item-wise break-up. This cost should be included as part of the project cost. The funds earmarked for the environment protection measures should not be diverted for other purposes and year-wise expenditure should be reported to the Ministry.	<b>Complied:</b>  The PP has incurred a total expenditure INR.3456.52 Lac in last three year. Further the PP has submitted an undertaking that they have not diverted the environment protection fund to any other purpose.
<b>xvii</b>	Full cooperation should be extended to the Scientists/Officers from the Ministry/Regional Office of the Ministry at Chandigarh /the CPCB/the SPCB who would be monitoring the compliance of environmental status.	<b>Complied.</b>
<b>4.</b>	The ministry reserves the right to revoke the clearance if conditions stipulated are not implemented to the	<b>Complied.</b>

	satisfaction of the Ministry.	
5.	The environmental clearance accorded shall be valid for a period of 5 years to the start of production operations by the power plant.	<b>Complied.:</b> The PP has already started production/operation in 2012 i.e. well within stipulated time.
6.	In case of any deviation or alteration in the proposed project from that submitted to this Ministry for clearance, fresh reference shall be made to the Ministry to assess the adequacy of the condition(s) imposed and to incorporate additional environment protection measures required, if any.	<b>Complied.</b> No deviation from the original plan.
7.	The above stipulations shall be enforced along with others as under the water (Prevention and control of pollution) Act, 1974 the Air (Prevention and Control of Pollution) Act, 1981, the Environment (Protection) Act, 1980 and rules there under, The Manufacture, Storage and Import of Hazardous Chemical Rules, 1989, Hazardous Wastes (Management and Handing) Rules, 1989, the Public Liability Insurance Act, 1981 and rules there under.	The PP has complied with all the applicable provisions of water (Prevention and control of pollution) Act, 1974 the Air (Prevention and Control of Pollution) Act, 1981, the Environment (Protection) Act, 1980 and rules and obtained the CTE, CTO and hazardous waste authorization from HSPCB. Further the PP has submitted that they are not using any chemical to whom the Manufacture, Storage and Import of Hazardous Chemical Rules, 1989, Hazardous Wastes (Management and Handing) Rules, 1989, the Public Liability Insurance Act, 1981 and rules are applicable.

**Comments:**

- The PP has achieved an average of 115 % utilization of Ash in last five years, however, the present stock of ash content is approximately 30 LMT. The PP is directed to clear the ash as per the MOEFCC notification no. S.O. 5481(E) dated 31<sup>st</sup> December, 2021.

**130****25**

- PP may obtain the verification report/certificate from the local forest department for the green belt development.
- The PP has been directed to submit the six monthly reports by email to MOEF &CC, Regional Office, Chandigarh.
- The PP has ear marked the ash pond / dyke with proper boundary. However, the boundary should be adequately barricaded to avoid air born of pond ash from the pond.

Dr. K.M. Selvan  
Addl.Director/Scientist 'E'

**Photographs taken during the site inspection:**



Figure 1: Ash Pond with water sprinkling system



Figure 2: Silos for storing the flyash.



Figure 3: Water is being sprinkled in coal.



Figure 4: Rain water storage pond.



Figure 5: First Aid Centre at the project site



Figure 6: Green belt developed at the site.

By Speed Post

**F. No. IA-L-11011/69/2024-IA-I**  
**Government of India**  
**Ministry of Environment, Forest and Climate Change**  
**(I.A. Division)**

Indira Paryavaran Bhavan  
Jor Bagh Road, Aliganj  
New Delhi-110 003  
Email: pankaj.verma@nic.in  
Dated: 17<sup>th</sup> January, 2025

To,

The Chief Engineer/Projects & Planning,  
Haryana Power Generation Corporation Ltd.,  
SCO-21, Sector-11  
Panchkula-134112,  
Haryana.

**Sub: Letter seeking clarification w.r.t OA No. 977/2024 in the matter of "Renu Rani & Ors. Versus State of Haryana & Ors" before the Hon'ble NGT(PB), New Delhi- reg.**

**Ref: i. Ministry's EC letter No. J-13011/18/2006-IA-II(T) dated 20.02.2007**  
**ii. Monitoring report submitted by RO, Chandigarh vide letter No. 1-26/2024/Misc./Env/eFile dated 17.12.2024**

This is in reference to the project '1200 MW Hissar Thermal Power project, Hissar, Haryana by M/s Haryana Power Generation Corporation Ltd' monitored by Regional Office of the Ministry at Chandigarh on 25.10.2024 and 09.12.2024 which has submitted the report to the Ministry vide letter dated 17.12.2024 (Copy Enclosed).

2. Environmental Clearance to the above-mentioned project was granted by the Ministry vide letter No. J-13011/18/2006-IA-II(T) dated 20.02.2007 subject to implementation of the various conditions and environmental safeguards contained therein, and

3. The inspection report has been examined by the Ministry and following non-compliances have been observed with respect to EC on the basis of review of RO's report:

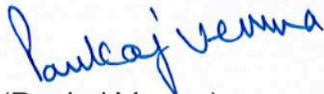
- i. The boundary of the ash pond/dyke has not been adequately barricaded to avoid air born of pond ash from the pond (Specific Condition xiv.).
- ii. A verification report/certificate from the local forest department for the green belt development has not been submitted yet (Specific Condition xviii.).
- iii. PP has not submitted six monthly compliance report by email to the Regional Office (Specific Condition xxiv.).

4. In this regard, the Project Proponent (PP) is directed to submit; (i) clarification, (ii) **Action Taken Report (ATR)** and (iii) Action plan with respect to the above cited non-complied conditions immediately. It may be noted that, if no satisfactory reply is received within the prescribed time frame, the Ministry will be constrained to take necessary action as deemed fit and appropriate in the circumstances of the case, which may include Show-Cause Notice under Section 5 of Environment Protection Act, 1986.

5. Being a time bound Court matter, the information may be submitted urgently to the Ministry.

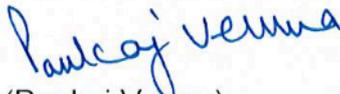
This issues with the approval of the Competent Authority.

Encl: As above

  
(Pankaj Verma)  
Scientist 'F'

Copy to:

1. The Chairman, Central Pollution Control Board, Parivesh Bhawan, East Arjun Nagar, Delhi-110032.
2. Deputy Director General of Forests (C), Integrated Regional Office, Chandigarh, Bays No. 24-25, Sector 31 A, Dakshin Marg, Chandigarh – 160030.
3. The Member Secretary, Haryana State Pollution Control Board, C-11, Sector-6, Panchkula, Haryana-134109.
4. The Member Secretary, IA-Thermal, Ministry of Environment, Forest & Climate Change, Indira Paryavaran Bhawan, Jor Bagh Road, New Delhi-110003.

  
(Pankaj Verma)  
Scientist 'F'



29

Naveen Kumar &lt;naveenkraor@gmail.com&gt;

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**Service of Reply Affidavit in O.A. No. 977/2024 before the NGT**

1 message

**Naveen Kumar** <naveenkraor@gmail.com>

11 March 2025 at 19:43

To: secy-moef@nic.in, lmc.moef@gov.in, ronz.chd-mef@nic.in, environment@hry.nic.in, hspcb@hry.nic.in, hqhspcb@hspcb.org.in, hspcbho@gmail.com, hspcbrojr@gmail.com, msch.cpcb@nic.in, md@hpgcl.org.in, dirtech2@hpgcl.org.in

Dear Sir/Ma'am,

Kindly find attached herewith the Reply Affidavit on **Behalf of Respondent No. 1, in The Matter of "Renu Rani & Ors. Vs. State of Haryana and Ors"** in the captioned matter

---

Regards**Naveen Kumar**

Advocate -On- Record  
Supreme Court of India  
D-374, Ground Floor, Defence Colony,  
New Delhi, Pin Code -110024,  
Phone No.9899697779,  
Tel.:011-40813322, 40817755  
E-mail: [naveenkraor@gmail.com](mailto:naveenkraor@gmail.com)



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**FINAL REPLY AFFIDAVIT NGT, RENU RANI.pdf**  
9081K