BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
ADDITIONAL AFFIDAVIT
IN
ORIGINAL APPLICATION NO. 327 OF 2022

IN THE MATTER OF: -

AMARAVATI FLY ASH BRICKS MANUFACTURERS ASSOCIATION

...APPLICANTS

VERSUS

UNION OF INDIA & ORS

.....RESPONDENTS

REPLY BY WAY OF ADDITIONAL AFFIDAVIT FILED ON BEHALF OF RESPONDENT NO. 4 (MINISTRY OF POWER)

I, Tarun Agarwal, S/o Surendra Kumar Agarwal, aged about 36 years, working as Deputy Director, in the office of Central Electricity Authority, Ministry of Power, located at Sewa Bhawan, R.K. Puram, Sector-1, New Delhi—110066, do hereby solemnly affirm and state as follows:

2. That I am the officer in charge appointed on behalf of the answering Respondent in the instant Original Application and as such I am well conversant with the facts and thus competent to swear this affidavit.

3. That I have read and understood the contents of the accompanying

NOTARY PUBLIC
SANDEEP SHARMA
REGN. NO. 1186/98
EXP. DT. 02-04-2026
GOVT. OF INDIA

तरुण अग्रवाल/TARUN AGARWAL
उप निदेशक/Deputy Director
केन्द्रीय विद्युत प्राधिकरण/C.E.A.
विद्युत मंत्रालय/Ministry of Power
भारत सरकार/Govt. of India
नई दिल्ली/New Delhi-66

Application and other documents. That the content of the present Additional Affidavit are true and correct to the best of my knowledge. That the averments made therein are true and correct to my knowledge.

4. That the annexures are true copies to their respective originals.

5. That the present affidavit has been filed pursuant to Order dated 16.12.2024 of this Hon'ble Tribunal in the present matter. It is submitted that this Hon'ble Tribunal vide Order dated 16.12.2024 was pleased to permit the following:

> *"**12.** In the present case appeal was filed against order dated 25.08.2022 and it is noteworthy that no appeal was filed against order dated 15.12.2022 passed by this Tribunal in above mentioned O.A. so far as the information sought thereby is concerned and the respondents are bound to submit the same by filing appropriate responses."*

6. That this Hon'ble Tribunal vide Order dated 15.12.2022 was pleased to permit the following:

> *"10. In view of the questions involved in the present case, respondent no. 1-MoEF&CC and respondent no. 4-MoP are directed to file additional affidavits with respect to following aspects covering all the TPPs run by coal/lignite by Governments (Central/State), Public Sector Undertakings (PSUs), Private:*
>
> *a. Numbers of TPPs as on 31.12.2022.*
> *b. The installed capacity (MW) as on 31.12.2022.*
> *c. Coal consumed (in million tons) during the period from 01.01.2022 to 31.12.2022.*
> *d. Fly Ash generated (in million tons) during the period from 01.01.2022 to 31.12.2022.*
> *e. Quantum of fly Ash (in million tons) utilized/disposed of during the period from 01.01.2022 to 31.12.2022 with mode of utilization/disposal. f.*

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Quantum of legacy fly Ash (in million tons) stored in Ash dykes/ponds upto 31.12.2022.

g. The period of storage of fly Ash in Ash Dykes/ponds in the past and reasons for prolonging future storage of fly Ash in Ash Dykes/ponds for period extending upto ten years.

h. Recommendations, if any, of any Committee appointed or study made for finding out methods of early utilization/disposal of fly Ash and assessing comparative cost of adverse impact of prolonged storage and advantages of early disposal for making informed policy decisions in this regard.

i. Quantum of legacy fly Ash (in million tons) utilized/disposed out of legacy fly Ash stored in Ash dykes/ponds of during the period from 01.01.2022 to 31.12.2022 with mode of utilization/disposal.

j. Quantum of (a) fly Ash generated and (b) legacy fly ash (in million tons) disposed of by way of (i) bidding (tender/contracts mutually agreed upon between the TPP and the users), (ii) giving free of cost to the consumer with stipulation for bearing of cost of transportation by such consumer and (iii) given free of cost to the consumer with stipulation for bearing of cost of transportation by the TPP during the period from 01.01.2022 to 31.12.2022.

k. The extent of land (in ha) occupied by the fly Ash dykes/ponds in all the TPPs in the country, the area of land (in ha) to be released (year wise) by utilization/disposal of legacy fly Ash and financial benefits to accrue from use/utilization for other purposes."

7. That the aspects covering all the Thermal Power Plants (TPPs) run by coal/lignite by Governments (Central/State), Public Sector Undertakings (PSUs), Private is annexed hereto and marked as **Annexure-I** .

8. It is submitted that this Hon'ble Tribunal vide Order dated 16.12.2024 was pleased to permit the following:

''14. Responses by the concerned respondents be filed specifically mentioning as to whether the information as directed by notification issued by MoEF&CC and guidelines issued by Ministry of Power, Central Pollution Control Board

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or concerned State Pollution Control Board/Pollution Control Committee is being uploaded on the website of concerned respondents or not.''

9. In this regard, it is submitted that earlier, TPPs were uploading the Ash Data in 'ASHA Portal' maintained by Central Electricity Authority (CEA), which was discontinued in August, 2023. It is further submitted that as per MoEF&CC Notification dated 31.12.2021, TPPs are now uploading the monthly information regarding the ash generation and utilization by 5th of next month on the web portal, which is being maintained by Central Pollution Control Board (CPCB).

10. It is further submitted that the Ministry of Power(MoP) has issued new "Guidelines for coal or lignite based Thermal Power Plants (TPPs) to utilize ash by providing it to the user agencies as stipulated in the MoEF&CC Notification dated 31.12.2021 and its subsequent amendments" dated 15.03.2024.

11. That the present application is being filed *bonafide* and in the interest of justice to apprise this Hon'ble Tribunal about the subsequent developments in the present matter.

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12. PRAYER ON BEHALF OF THE ANSWERING RESPONDENT:

In the circumstances, it is therefore most respectfully prayed that this Hon'ble Tribunal may graciously be pleased to:

A. Pass an order taking on record the aforesaid additional facts and documents.

B. Pass any other order as this Hon'ble Tribunal may deem fit and necessary, in the interest of justice and good faith.

DEPONENT

तरुण अग्रवाल/TARUN AGARWAL
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भारत सरकार/Govt. of India
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Solemnly affirmed at New Delhi

on this 14th Day of January, 2025

VERIFICATION

I, Tarun Agarwal, above named deponent do hereby verify that the contents of the aforesaid Application are true and correct to my knowledge and belief and nothing material has been concealed therefrom. Verified at **New Delhi** on this 14th day of January, 2025.

BEFORE ME
SANDEEP SHARMA
Advocate & Notary
Reg. No.1186/98/Govt. of India
505, New Lawyer's Chamber Block
Patiala House Court Complex,
New Delhi-110001

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14 JAN 2025

Annexure-1

DATA in respect of Para 10 of NGT Order dated 15-12-2022 (Amaravati Bricks Vs Union of India) (Period 1.1.2022 to 31.12.2022)

Sub Para No. of Para 10	Description	Quantity
a.	Numbers of TPPs as on 31.12.2022	177
b.	The installed capacity (MW) as on 31.12.2022	208702.50
c.	Coal consumed (in million tons) during the period from 01.01.2022 to 31.12.2022	761.73
d.	Fly Ash generated (in million tons) during the period from 01.01.2022 to 31.12.2022	284.44
e.	Quantum of fly Ash (in million tons) utilized/disposed of during the period from 01.01.2022 to 31.12.2022 with mode of utilization/disposal.	213.14
i)	Bricks/Blocks Tiles Etc (in million tons)	29.76
ii)	Cement Industries (in million tons)	74.02
iii)	Highways & Roads/Flyovers (in million tons)	50.41
iv)	Replacement in Cement Concrete (in million tons)	6.03
v)	Hydro Power RCC work (in million tons)	4.19
vi)	Ash Dyke Raising (in million tons)	0.00
vii)	Reclamation of Low lying area (in million tons)	24.02
viii)	Mine Filling (in million tons)	18.83
ix	Agriculture and wasteland (in million tons)	0.15
x)	Others (in million tons)	5.73
f.	Quantum of legacy fly Ash (in million tons) stored in Ash dykes/ponds upto 31.12.2022.	256.13
g.	The period of storage of fly Ash in Ash Dykes/ponds in the past and reasons for prolonging future storage of fly Ash in Ash Dykes / Ponds for period extending upto ten years	Will be replied by MoEF & CC
h.	Recommendations, if any, of any Committee appointed or study made for finding out methods of early utilization/disposal of fly Ash and assessing comparative cost of adverse impact of prolonged storage and advantages of early disposal for making informed policy decisions in this regard.	Will be replied by MoEF & CC

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DATA in respect of Para 10 of NGT Order dated 15-12-2022 (Amaravati Bricks Vs Union of India) (Period 1.1.2022 to 31.12.2022)		
Sub Para No. of Para 10	Description	Quantity
i.	Quantum of legacy fly Ash (in million tons) utilized/disposed out of legacy fly Ash stored in Ash dykes / ponds of during the period from 01.01.2022 to 31.12.2022 with mode of utilization/disposal.	106.99
i)	Bricks/Blocks Tiles Etc (in million tons)	11.77
ii)	Cement Industries (in million tons)	4.56
iii)	Highways & Roads/Flyovers (in million tons)	17.99
iv)	Replacement in Cement Concrete (in million tons)	1.76
v)	Hydro Power RCC work (in million tons)	3.16
vi)	Ash Dyke Raising (in million tons)	0.00
vii)	Reclamation of Low lying area (in million tons)	7.88
viii)	Mine Filling (in million tons)	5.27
ix	Agriculture and wasteland (in million tons)	1.46
x)	Others (in million tons)	53.14
j.	Quantum of (a) fly Ash generated and (b) legacy fly ash (in million tons) disposed of by way of (i) bidding (tender/contracts mutually agreed upon between the TPP and the users), (ii) giving free of cost to the consumer with stipulation for bearing of cost of transportation by such consumer and (iii) given free of cost to the consumer with stipulation for bearing of cost of transportation by the TPP during the period from 01.01.2022 to 31.12.2022.	(a) 284.44 (in million tons) b(i) 112.02 (in million tons) b(ii) 47.27 (in million tons) b(iii) 103.57 (in million tons)
k.	The extent of land (in ha) occupied by the fly Ash dykes/ponds in all the TPPs in the country, the area of land (in ha) to be released (year wise) by utilization/disposal of legacy fly Ash and financial (year wise) by utilization/disposal of legacy fly Ash and financial (year wise) by utilization/disposal of legacy fly Ash and financial benefits to accrue from use/utilization for other purposes	Extent of Land occupied = 23781.62 Ha Released and to be released Land = 1741.83 Ha

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