

**BEFORE HON'BLE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI
APPEAL NO. 21 of 2021**

**IN THE MATTER OF
DR. BHARAT JHUNJHUNWALA
& ANOTHER**

APPELLANT

VERSUS

UNION OF INDIA & OTHERS

RESPONDENTS

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Dated:- 15.02.2022
New Delhi

Filed by:



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Advocate for Ministry of MoEF & CC
Union of India - (Respondent No. 1)
53, Lawyer's Chamber
Supreme Court of India
New Delhi - 110001
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IN THE MATTER OF

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

MOST RESPECTFULLY SHOWETH: -

I, Yogendra Pal Singh S/o Sh. Devendra Pal Singh aged about 43 years, working as Scientist 'E' in the Ministry of Environment, Forest and Climate Change, having an office located at 2nd Floor, Vayu Block, Indira Paryavaran Bhawan, Jor Bagh Road, Aliganj, New Delhi-03, do hereby solemnly affirm on oath and state as under:

1. It is submitted that I am working as Scientist 'E' in the Ministry of Environment, Forest and Climate Change and as such am well acquainted with the facts and circumstances of the case on the basis of the records available in my office and am thus duly authorized to file this Affidavit on behalf of the Respondent No. 1 herein, i.e. the Ministry of



R. J. H.

Environment, Forest & Climate Change (hereinafter referred as 'MoEF&CC'). Specifically admitted hereunder:

2. It is submitted that the present Appeal has been filed against Environment Clearance (hereinafter referred to as 'EC') dated 26.08.2021 granted by MoEF&CC to the Vishnugad-Pipalkoti Hydro-Electric Project of 444 MW in an area of 141.568 ha by M/s THDC India Limited located at Village Haat, Tehsil Joshimath, District Chamoli, Uttarakhand. Initially EC for the project was granted on 22.08.2007 for ten years, which was extended for three years since construction of project was not complete and accordingly, has been now extended upto 21.08.2021.

The copy of EC dated 22.08.2007 and 26.08.2021 is annexed as **Annexure-1** and **Annexure-2** respectively.

3. It is submitted that the appellant has prayed in the instant appeal to quash the EC dated 26.08.2021 bearing No. J-12011/10/2020-IA.I(K) granted by the MoEF&CC to the under construction Vishnugad Pipalkoti Hydro-Electric Project of 444 MW developed by M/s THDC India Limited on river Alaknanda at Tehsil Joshimath, District Chamoli, Uttarakhand.
4. It is submitted that vide order dated 08.10.2021, the Hon'ble Tribunal directed the MoEF&CC to file an expert opinion from the EAC for River Valley and Hydro-Electric Projects along with response to the

L. J. Dr.



contentions of the appellants in the present matter. The operative extract of the order is reproduced below:

“5. In view of above contentions, we find it necessary to issue notice to the MoEF&CC and the Project Proponent (PP). Notice may be sent by email by the Registry directly as well as the appellant may also serve Notice on the said parties along with a set of papers. Response may be filed within one month.

6. We also direct the MoEF&CC to obtain and file an Expert opinion from the EAC for River Valley and Hydro-Electric Projects within two months by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF.

List for further consideration on 10.02.2022.”

5. It is submitted that in compliance of order dated 08.10.2021 passed by the Hon'ble Tribunal, the EAC had a detailed deliberation over the issues raised in the instant appeal on 28.10.2021 and 25.11.2021. The EAC is of the view that :

“5. The EAC was of the view that the proposal which was considered by the EAC for grant of Environmental Clearance was a fresh proposal with fresh data about environmental parameters, project profile etc.

mentioned in the EIA/EMP report and salient features of the project



R. J. Sr.

submitted by the Project Proponent. The EAC critically examined all aspects like compliance of environmental safeguards conditions of the earlier EC, change in scope of the project, need of repeat public hearing, existing environmental conditions and possible environmental concerns in a holistic manner. Accordingly, suitable safeguards measures were suggested while recommending the project for grant of de-novo Environmental Clearance.

6. It is to be noted that comparing the project parameters of current proposal with the DPR of 2006 by the petitioner does not seem correct and relevant. Secondly, when the DPR was prepared in 2006 the project was in conceptual stage; however, the project profile submitted at the time of consideration of proposal for fresh EC the project has attained a considerable progress with respect to physical infrastructure and implementation of EIA/EMP and R&R plan.

7. It is also to be noted that the EAC deliberated this instant project at length on all major environmental concerns associated with the construction of a hydro power project on the river such as loss of biodiversity due to the negative environmental impacts of soil erosion, blasting, decline in water quality, loss of aesthetic values and loss of aquatic biodiversity, etc. The compliance of all issues raised during public hearing held on 09.01.2007 was also taken into consideration



R. J. D.

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while recommending the proposal for grant of fresh EC. Moreover, the project has been mandated to ensure compliance of all environmental safeguards conditions stipulated in the earlier EC as well as in the de-novo EC. Further, fresh Environment Management Plan with capital cost of Rs 1291.03 lakhs has to be implemented by Project Proponent.

The EAC consciously considered and examined the project in question with approach of sustainable development so as to minimise the environmental impacts of the projects in that particular ecosystem.”

The copy of Expert opinion is annexed as **Annexure-3**.

6. It is 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.
7. That other/ancillary issues raised in the application under reply do not pertain to the MoEF&CC. The MoEF&CC seeks leave to make additional submissions, if required, during the course of the proceedings.



Y. P. Singh

DEPONENT

(योगेन्द्र पाल सिंह)
(YOGENDRA PAL SINGH)
वैज्ञानिक 'ई'/Scientist 'E'
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 solemnly affirm and state that the contents of the aforesaid affidavit are true and correct to my personal knowledge and have been derived from the official records maintained by the Respondent. No part of it is false nor has anything material been concealed therefrom.

Verified at New Delhi on this 1st day of February, 2022.

Y.P.S.

DEPONENT

(योगेन्द्र पाल सिंह)
(YOGENDRA PAL SINGH)
वैज्ञानिक 'ई'/Scientist 'E'
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
Min. of Environment, Forest and Climate Change
भारत सरकार, नई दिल्ली
Govt. of India, New Delhi



CERTIFIED THAT THE DEPONENT
Shri/Smt./Km *Yogendra Pal Singh*
S/o *Dr. Yogendra Pal Singh*
R/o *Delhi* aged about *30*
Identified by Shri/Smt. *Dr. Laxmi Shastri*
has solemnly affirmed before me at Delhi
on *1st Feb 2022* Sl. No. *111*
that the contents of the affidavit which have
been read & explained & are true & correct
to his/her Knowledge.

Laxmi Shastri
Oath Commissioner Delhi

Yogendra Pal Singh
IDENTIFIED *Adit*

सूचना :
 Telegram : PARYAVARAN
 NEW DELHI
 दूरभाष :
 Telephone : & FAX 24305327
 टेलिग्राफ :
 Telex : W-06186 DOE IN
 FAX : 4380878

भारत सरकार
 पर्यावरण एवं वन मंत्रालय
 GOVERNMENT OF INDIA
 MINISTRY OF ENVIRONMENT & FORESTS
 पर्यावरण मंत्रालय, सी. जी. ओ. कॉम्प्लेक्स
 PARYAVARAN BHAVAN, C.G.O. COMPLEX
 लोदी रोड, नई दिल्ली-110003
 LODHI ROAD, NEW DELHI-110003

No J-12011/29/2007-IA I

Dated: 22 08 2007

Chairman cum Managing Director
 Tehri Hydro Development Corporation Ltd
 Ganga Bhaawan, Pragatipuram
 Bypass Road,
 Rishikesh-249201

Sub: Vishnugad - Pipalkoti HEP (4 x 111) MW in Uttarakhand -
 Environment clearance regarding

Sir,

This has reference to your letter No THDC/RKSH/CP/ENV-EC/2007
 dated 23.3.2007 and subsequent letter dated 29.5.2007 on the above
 mentioned subject.

The above referred proposal was considered by the Expert
 Committee for River Valley & Hydroelectric projects at its meeting held on
 18.04.2007 & reconsidered on 18.7.2007. This is a run of the river scheme
 involving construction of a 65 m high diversion dam across river Alaknanda
 near village Helong in district Chamoli. The project utilizes the drop in water
 level between out fall of Tapovan - Vishnugad project and Birahi Alaknanda
 confluence. The power house is underground to be located near village Hat
 about 3 km from Pipalkoti.

Total land requirement is 120 ha. Out of which 40 ha. is agricultural
 land and 80 ha. is Government land. 346 project affected families are likely to
 lose their agricultural land.

3 The Environmental Management Plan submitted by THDC Ltd. has been examined. The Ministry of Environment and Forests hereby accords environmental clearance as per the provisions of Environmental Impact Assessment Notification, 1994 and 2006, subject to strict compliance of the terms and conditions as follows:

Part A: Specific Conditions

- (i) ~~62002 hectare degraded catchment area of high & very high category to be treated. Catchment Area Treatment Plan as has been proposed should be completed in three years. The plan is given below:~~

Treatment Measures	Year-I	Year-II	Year-III	Total
(I) Biological Treatment				
Social Forestry	20 ha	20 ha	20 ha	60 ha
Fuel wood and fodder grass	20 ha	20 ha	20 ha	60 ha
Nursery development	3 No.	2 No	-	5 No.
Gap Plantation (800 trees /ha.)	124 ha	120 ha	120 ha	364 ha
Pasture development	100 ha	100 ha	80 ha	280 ha
(II) Engineering Treatment				
Contour bunding	15ha	-	-	23.55 ha
Step drain	200 m	200 m	100 m	500 m
Check dams	10 No.	10 No	-	20

- (ii) 346 project affected families are likely to loose their agricultural land. All the PAFs would be compensated as per the rates that would be assessed and decided by the district authorities. Over and above these compensation, the PAFs will be given "land for land" or "Vocation/Job" or "financial assistance" in addition to various rehabilitation benefits as per the NPRR -2003.
- (iii) A Monitoring Committee for R & R should be constituted which must include representatives of project-affected persons from SC / ST category and a woman beneficiary.
- (iv) All the equipment which are likely to generate high noise levels are to be fully mollified (noise reduction measures) in view of the proximity of the project to Nanda Devi Biosphere Reserve

- (v) 3 cu m minimum water flow should be released down stream during lean season.
- (vi) Consolidation and compaction of the muck should be carried-out in the muck dump sites and the dump sites should be above high flood level.
- (vii) The project area is situated in close proximity to Nanda Devi Bio-sphere Reserve, the possibility of the endemic flora can not be ruled out completely. Hence suggested the plantation of those species which come under Rare, Endangered and threatened (RET) category, if any, should be planted during the implementation of CAT and Compensatory Afforestation works.
- (viii) Commitment made during public hearing should be fulfilled.

Part-B: General Conditions

- (i) Adequate free fuel arrangement should be made for the labour force engaged in the construction work at project cost so that indiscriminate felling of trees is prevented.
- (ii) Fuel depot may be opened at the site to provide the fuel (kerosene/wood/LPG). Medical facilities as well as recreational facilities should also be provided to the labourers.
- (iii) All the labourers to be engaged for construction works should be thoroughly examined by health personnel and adequately treated before issuing them work permit.
- (iv) Restoration of construction area including dumping site of excavated materials should be ensured by leveling, filling up of burrow pits, landscaping etc. The area should be properly treated with suitable plantation.
- (v) Financial provision should be made in the total budget of the project for implementation of the above suggested safeguard measures.
- (vi) A Multidisciplinary committee should be constituted with representatives from various disciplines of forestry, ecology, wildlife, soil conservation, NGO etc. to oversee the effective implementation of the suggested safeguard measures.
- (vii) Six monthly monitoring reports should be submitted to the Ministry and its Regional Office, Lucknow for review.

4. Officials from Regional Office MOEF, Lucknow who would be monitoring the implementation of environmental safeguards should be given full cooperation, facilities and documents / data by the project proponents during their inspection.

5. The responsibility of implementation of environmental safeguards rests fully with the T H D C Ltd. & Government of Uttarakhand.

6. In case of change in the scope of the project, project would require a fresh appraisal.

7. The Ministry reserves the right to add additional safeguard measures subsequently, if found necessary and to take action including revoking of the clearance under the provisions of the Environment (Protection) Act, 1986, to ensure effective implementation of the suggested safeguard measures in a time-bound and satisfactory manner.

8. This clearance letter is valid for a period of ten years from the date of issue of this letter.

9. A copy of the clearance letter will be marked to concerned Panchayat / local NGO, if any, from whom any suggestion/ representation has been received while processing the proposal.

10. State Pollution Control Board / Committee should display a copy of the clearance letter at the Regional Office, District Industries Center and Collector's office/ Tehsildar's office for 30 days.

11. The project proponent should advertise at least in 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:// www.envfor.nic.in](http://www.envfor.nic.in)


(Dr. S. Bhowmik)
Additional Director

Copy to:

1. The Secretary, Ministry of Power, Shram Shakti, Bhawan, Rafi Marg, New Delhi-1
2. The Adviser (Power), Planning Commission, Yojna Bhawan, New Delhi - 110001.
3. Principal Secretary (Irrigation & Power), Government of Uttarakhand, Dehradun - 248006.
4. The Chief Engineer, Project Appraisal Directorate, Central Electricity Authority, Sewa Bhawan, R.K. Puram, New Delhi-110066.
5. The Regional Office, Ministry of Environment & Forests, Lucknow.
6. Member Secretary, Uttarakhand Environment Protection & Pollution Control Board, Paryavaran Bhawan, E-115, Nehru Colony, Dehradun
7. EI- Division, Ministry of Environment & Forests, New Delhi-110003.
8. Guard file.


(Dr. S. Bhowmik)
Additional Director

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**GOVERNMENT OF INDIA
MINISTRY OF ENVIRONMENT & FORESTS
PARYAVARAN BHAVAN C.G.O. COMPLEX
LODHI ROAD, NEW DELHI - 110003**

Dated: 22.08.2007

No. J-12011/29/2007-IA I

Chairman cum Managing Director
Tehri Hydro Development Corporation Ltd.
Ganga Bhawan, Pragatipuram
Bypass Road, Rishikesh-249201

Sub: Vishnugad -Pipalkoti HEP (4 x 111) MW in Uttarakhand -
Environment Clearance regarding

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14

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11. The project proponent should advertise at least in 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://www.envfor.nic.in>

Sd/-(Dr. S. Bhowmik)
Additional Director

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7. EI-Division, Ministry of Environment & Forests, New Delhi-110003.
8. Guard File.

Sd/-(Dr. S. Bhowmik)
Additional Director

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F. No. J-12011/10/2020-IA.I (R)
Government of India
Ministry of Environment, Forests & Climate Change
(Impact Assessment Division)

Indira Paryavaran Bhawan
2nd Floor, VayuWing
Aliganj, Jor Bagh Road
New Delhi - 110 003

Dated: 26th August, 2021

To,

The General Manager
M/s THDC India Limited
Gangotri Bhawan, Pragatipuram
Bypass Road, Rishikesh - 249 201
Uttarakhand
Email: s.ethdc@yahoo.com

Sub: Vishnugad-Pipalkoti Hydro-Electric Project of 444 MW in an area of 141.568ha by M/s THDC India Limited located at Village Haat, Tehsil Joshimath, District Chamoli, Uttarakhand - Environmental Clearances - Reg.

Sir,

This has reference to your online Proposal No. IA/UK/RIV/164607/2020 and letter no. THDCIL/RKSH/S&E/F-117/90(E) dated 8th July, 2021 submitted to the Ministry for Environmental Clearance to the project cited in the subject.

2. The Ministry of Environment, Forest and Climate Change has considered the application. It is noted that the proposal is for grant of Environmental Clearance to the Vishnugad-Pipalkoti Hydro-Electric Project of 444 MW in an area of 141.568 ha by M/s THDC India Limited located at village Haat, Tehsil Joshimath, District Chamoli.

3. The proposal was considered by the Expert Appraisal Committee (EAC) for River Valley & Hydroelectric Projects in its 15th EAC Meeting held on 27th July 2021. The comments and observations of EAC on the project may be seen in the Minutes of the meeting which are available on the web-site of this Ministry. The details of the project submitted by project proponent and ascertained from the document submitted are mentioned below:

- (i) M/s THDC India Limited, a schedule-A mini-Ratna PSU under the administrative control of Power Ministry, has signed a MoU with Govt. of Uttarakhand for the construction of 444MW Vishnugad-Pipalkoti Hydro-Electric project (VPHEP) in District Chamoli, Uttarakhand. VPHEP (4 x 111 MW) is located on river Alaknanda, a major tributary of river Ganga, in district Chamoli in the state of Uttarakhand.
- (ii) It is a run-of-the river hydro power project & envisages construction of a diversion dam of 65 m height near village Helong (79°29'30" E and 30°30'50" N). An underground power house is being constructed at village Haat (79°24'56" E and 30°25'31"N), 3 km from Pipalkoti. The nearest railway station is at Rishikesh about 225 km from project site.
- (iii) The project and all its major components are located on right bank of the river

- Alaknanda. Project is accessible through National Highway NH-58 (Ghaziabad-Rishikesh Pipalkoti-Joshimath) which is located on the left bank of the river.
- (iv) VPHEP is suited to help in providing peaking power to the national grid. Once commissioned, the project will provide 1657.09 million units (with 95% machine availability) of electricity each year to the Northern Region to meet India's growing energy needs.
- (v) Environmental Clearance was granted to Vishnugad-Pipalkoti Hydro-Electric Project by MoEF&CC vide letter no. J-12011/29/2007-IA.I dated 22nd August 2007 for 10 years which was further extended vide letter no. J-12011/29/2007-IA.I dated 25th April 2018 and was valid upto 21st August, 2020. Also, MoEF&CC issued notification dated 18.01.2021 specified that the period from 1st April, 2020 to 31st March, 2021 shall not be considered for the purpose of calculation of the period of validity of Environmental Clearance in view of outbreak of Corona Virus (COVID-19).
- (vi) The Terms of Reference (ToR) for the Rapid EIA study based on one season has been issued vide MoEF&CC letter no. J-12011/10/2020-IA.I(R) dated 02nd March, 2021. In ToR Public hearing was exempted as project is in advanced stage of construction.
- (vii) **Salient features of the project:**

1. LOCATION	
Distt.	Chamoli
River	Alaknanda
Damsite	Near Village Hclong (E- 79°29'30", N-30°30'50")
Power House (PH) site (underground)	Near Village Hat (E-79°24'56", N-30°25'31")
2. HYDROLOGY	
Catchment Area at Dam Site	4672km ²
Annual mean flow	5682.6Mcum
Submergence area	24.5ha
Design Flood	SPF6700m ³ /sec (For Design) PMF10840m ³ /sec (For Checking)
Diversion Flood (1:25yr Non-monsoon flood)	725m ³ /sec
3. RESERVOIR	
Full reservoir level	EL1267m
Maximum Water Level	EL1269.5 m (PMF)
Minimum Draw Down Level	EL1252.5 m
Gross storage at FRL	3.63Mcum
Storage at MDDL	1.16Mcum
Live storage	2.47Mcum
Surface Area at FRL	24.5ha
4. DIVERSION ARRANGEMENT	
A. Diversion Tunnel	
Location	Left bank
Length	559m (494m tunnel and 65m cut & cover)
Diameter	10.5 m, Circular

Design Discharge	725m ³ /sec
Gates	4mx10.5m, Vertical lift fixed wheel
Invert level at Entry	1224m
B.U/S Cofferdam	
Type	Concrete
Length	60m
Height	24m
Top Elevation	EL1242m
C. D/SC offer dam	
Type	Rockfill
Length	40m
Height	7.5m
Top EL.	EL.1222.5 m
5. DIVERSION DAM	
Type of dam	Concrete, gravity dam
Height of dam above deepest foundation level	65m
Top of dam	EL1270m
River bed level	EL1225m
Foundation level	EL1205 m
Length	98.85m(NOF31.85 m, OF67m)
6. SPILLING ARRANGEMENT	
A. Sluices:	
Nos.	5
Design Flood	10840m ³ /sec
Size of sluice	7.8m (W) x 16m (H)
Type of gate	Radial Stoplog (1no. 7.8m x 22.5m)
Crest level of sluice	1233m
B. Diversion cum Spillway Tunnel	
Invert level at Entry	1249m
Length	100m
Design Discharge	1578m ³ /sec
Gate	2+1no., 4 mx10.5(Vertical lift fixed wheel Gate)
C. Spill Tunnel (12mΦ)	
Size	12mΦ, Circular
Invert level at Entry	1245m
Length	250m
Design Discharge	1618m ³ /sec
Gate	2+1no., 4.8mx12m(Vertical lift fixed wheel Gate)
6. POWER INTAKE	
Location	Right bank
Nos.	3
Type	Straight intake with bellmouth
Maximum discharge	274.63m ³ /sec
Intake invert level	EL1242.5m

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Size	3+3nos.5.20mx 6.2 Horseshoe type
Gates	Vertical lift fixed wheel gate (service gate + emergency gate)
Silt flushing Tunnel (Below Intake)	
Size of Intake	3nos. of 3m x 3m
Size of SFT ducts	3 nos. of 2m x 5m
Gate	3+3nos. of 3m x 3m
Design Discharge Capacity	378cumec
7. DESILTING CHAMBER	
Nos.	3
Size	390m (L) x 16m (W) x 21.25m (H)
Particle size to be removed	0.2 mm & above
Gates	3nos.5.24m x 6 m (H), Vertical lift fixed wheel
Gate chamber	6m (W) x 9m (H) x 155 m (L)
Operation level	EL1270m
Silt Flushing Tunnel:	
Size	3.6mx4.0m (D shaped)
Flushing discharge	45.8m ³ /sec
Length	680m
Gates	3nos.1.8 m x2.12m,(Vertical lift slide Gate)
Gate chamber	4.8mx 4.8m x 118m
Operation level	EL1233.5 m
8. HEAD RACE TUNNEL	
Length	13.4km(1.4km by DBM & 12.0km TBM)
Diameter	8.8 m Circular
Design discharge	228.86m ³ /sec
Velocity	3.76m/sec
Bed slope(average)	1:222 (upstream of Maina River) 1:321(Downstream of Maina River)
No. of adits	2
9. UPSTREAM SURGE SHAFT	
Type	Restricted Orifice type
Diameter	15/22mΦ (15mΦ from EL.1165m to EL.1236m) (22mΦ from EL.1236m to EL.1309m)
Height (from HRT invert)	154m
Top EL	1309m
Orifice level	1165m
Orifice diameter	1.5m,3nos
Tunnel invert	EL1155m
Maximum surge level	1307.42 m
Minimum surge level	1209.24m
Pressure shaft gates	2nos.,4.2m x 5.2m
10. BUTTERFLY VALVE CHAMBER	
Size	50m (L) x 9.8m (W) x 19m (H)

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Butterfly Valve	2nos.,5.2m
11.PRESSURE SHAFT	
Nos.	2/4
Type	Circular-vertical
Diameter	5.2m/3.65m
Length of each PS	466.4m/51m
Design velocity	5.39m/sec
12. POWERHOUSE	
Type	Underground
Size of P/H cavern	146m x 20.3m x 48m
Size of Transformer cavern	140.3m x15m x 25.5m
Nos. of units	4
Rated unit capacity	111MW
Installed capacity	4x 111 MW=444MW
Gross Head	237.0 m
Rated Head	212.46m
Centre line of unit	EL1022.0 m
Service bay level	EL1036m
Maximum flow through each unit	57.22m ³ /sec
Generator:	
Synchronous speed of Generator	250rpm
Power factor, Generator voltage	0.9,13.8 kV
Excitation system	Quick response static
Transformers-Type, Nos., No. of Phases,	OFWF, 4, 3, single phase, 46MVA, 13.8/420/3kV.
Step-up voltage, Capacity	400kV
14. D/S SURGE TANK	
Type	Underground
Size	150m (L) x 13m (W) x 27m (H)
Maximum Surge level	1040.8m
Minimum Surge level	1022.37 m
15. TAIL RACE TUNNEL	
a)Size	9.1 m Φ , (circular)
b)Length	3.07km
c)Max.TWL	1030.0m(with all M/C running)
d)Min.TWL	1028.2 m(with 10% load)
e)TRT invert level	EL1020.6 (at Outlet) crest level of weir at outlet is1027m.
16.SWITCH YARD	
a)Type of Switch yard	GIS
b)No. of bays in the switch yard	7 bays
c)Voltage level	420kV
d)Size of pot yard	40mx84m
17. POWER GENERATION	
a)Firm power	74.69MW
b)Annual Energy	1677.40GWh
c)Load factor(lean flow)	16.82%

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d) Design Energy	1657.09GWh
18. PROJECT COST	
Total cost	Rs.3860.35Cr
19. TARIFF	
First year tariff	Rs.4.71 / kWh
Levelised tariff	Rs.4.52/ kWh

- (viii) **Ambient Air Quality:** The average concentration of PM10 at various monitoring stations ranged from 52.6 to 57.1µg/m³ in post-monsoon season. The highest PM10 value was recorded as 61.7µg/m³ at Fabrication Yard, Near Dam Site and lowest value of 47.5µg/m³ was recorded at Siyasain Club House. The average concentration of PM2.5 at various monitoring stations monitored ranged from 33.5 to 38.9µg/m³ in post-monsoon season. The highest PM2.5 value was recorded as 47.4µg/m³ at Durgapur Village, Near TRT Point and lowest value of 30µg/m³ was recorded at Gulabkoti Village, Near Dump Yard and Fabrication Yard, Near Dam Site. The average concentration of SO₂ at various stations monitored ranged from 7.9 to 10.4.
- (ix) **Ambient Noise Levels:** The noise levels were monitored continuously from 6AM to 9PM at each location and hourly equivalent noise level was measured. The day time equivalent noise level at various sampling stations ranged from 51.32 to 54.82 dB(A) and night time equivalent noise level at various sampling stations ranged from 43.50 to 40.25 in post-monsoon season. The noise levels were observed to be well within permissible limit (55 dB(A)) specified for residential area.
- (x) **Soil:** The pH in various soil samples ranged from 6.98 to 7.84 in post-monsoon season, which indicates that neutral range having slight alkalinity. The low EC values ranging between 225 - 351 µS/cm indicate lower salt content in soils. It is an important indicator of soil health as it affects crop yields, crop suitability, plant nutrient availability, and activity of soil microorganisms. Excess salts in soil hinder plant growth by disturbing the soil-water Balance. The texture of soil in the area is sandy loam.
- (xi) **Surface Water Quality:** The Electrical Conductivity (EC) in water samples ranged from 154 to 338µS/cm in the post-monsoon season. Overall, surface water has low electrical conductivity which is reflected from the low concentration of most of the ionic species which are well within the permissible limit used for drinking water. Hardness ranged from 52 to 115 mg/l in the post- monsoon season. The BOD and COD levels are quite low, which indicate the absence of organic pollution loading. This is mainly due to the low population density and absence of industries in the area. The heavy metal concentration in the study area is below the permissible limit used for drinking purposes. It can be concluded that water quality was observed to be quite good, as parameters are well below the permissible limits specified for meeting drinking requirements.
- (xii) **Flora:** During the floristic survey in the Post-Monsoon Season, a total of 247 plant species were recorded from the VPHE Project, Uttarakhand. Of these, Herbs (104), Tree (66), Shrubs (58), Climbers (12), Ferns (2), Grass (2), Bamboo (2) and Epiphyte (1) species recorded from the study area. While investigating VPHE Project, Uttarakhand, several Floristic compositions documented.
- (xiii) **Fauna:** The mammals encountered while surveying and discussion with local people include Jackal (*Canis aureus*), Rhesus monkey (*Macacamulatta*), Serow (*Capricornis sumatraensis*), Sambar (*Cervus unicolor*), Himalayan Marten (*Martes flavigula*), Himalayan Musk Deer (*Moschus chrysogaster*), Himalayan Hoary

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bellied squirrel (*Callosciurus pygerythrus*), etc. The commonly observed bird species include Indian Myna, Indian Cuckoo, Chukor Partridge, House Crow, Black Drongo, Black Kite, Wood pecker, Grey Shrike, Pariah Kite etc. The commonly observed amphibians reported from the study area include Toad (*Bufo himalayanus*), Frog (*Rana* species), Ornamented Pygmy Frog (*Microhyla ornata*) and Common Toad (*Duttaphrynus melanostictus*). The commonly observed butterfly species in the study area were Tailed Punch (*Dodona eugenes*), Silverstripe (*Lathe baladeva*), Golden Emperor (*Dilipamorgiana*), Pale Green Sailor (*Neptis zaida*), Broadstick Sailor (*Neptis narayana*), etc. The reptiles reported in the study area include Asian house Gecko (*Hemidactylus frenatus*), Common Indian Lizard (*Varanus bengalensis*), Indian giant squirrel (*Ratufa indica*), Green Pit Viper (*Trimeresurus albolabris*), Himalayan Pit Viper (*Gloydius himalayanus*) and Cobra (*Bungarus caeruleus*). Phytoplankton species of different groups of community recorded to be growing in the study area is Bacillariophyceae, Chlorophyceae and Myxophyceae. A total of 23 species of different groups of Phytoplanktons were recorded to be growing in the Project area. Taxa of zooplanktons mainly comprised of Rotifers and Cladocera in the study area. Asplanchna species, Epiphanes species, Chydorus species, Macrothrix species, Eucyclops species were the common zooplanktons reported in the study area. The common macro-zoobenthos recorded from the study area were of order Ephemeroptera, Trichoptera, Diptera, Plecoptera and Neuropterans.

- (xiv) **Land Requirement:** The total land requirement for the project is 141.568 ha, out of which 100.390 forest land, 9.521 ha of Govt. land (PWD), and 31.639 ha of private land has already been acquired for the project requirements. Total area under submergence is about 24.5ha is mostly uninhabited forest land (already acquired) with very little or no vegetation.
- (xv) **Ecological Sensitive Area:** The dam site is about 5.20 Km from Kedarnath Wild Life Sanctuary (KWLS) boundary and its elevation is approximately 1900m above the dam. The horizontal distance of the powerhouse from sanctuary border is approximately 2km, the elevation of the sanctuary is about 2000m above Power house site. The sanctuary is inaccessible from project sites.
- (xvi) **Hydrology:** The catchment area is around 4672 sq. Km at Dam site with annual mean flow of 5680.6 Mcum. The project is designed for SPF of 6700 cumec and PMF of 10840 cumec.
- (xvii) **Muck Disposal Areas:** Out of the 40.00 L cum (lakh cubic meter) of the total muck likely to be generated from the construction works of the project at least 14.00 L cum will be utilized for construction purposes of different project components, filling works and other infrastructure works. For dumping of the remaining muck i.e. 31.20 Lcum, four dump yards areas viz. (i) Haat, (ii) Jaisaal, (iii) Gulabkoti and (iv) Siyasain, have been earmarked adjacent to project components and are operational. In these 4 identified sites dumping will be done and further they will be restored and vegetated with proper landscaping.
- (xviii) **Rehabilitation and Resettlement Plan:** THDCIL has formulated a Rehabilitation & Resettlement policy (R&R Policy) for the Vishnugad-Pipalkoti Hydro Electric Project. For effective implementation of R&R policy, Rehabilitation Action Plan (RAP) has been formulated so that after reasonable transition period, the affected families improve, at least regain their previous standard of living, earning capacity and production levels. Rehabilitation & Resettlement policy (R&R Policy) for the Vishnugad-Pipalkoti Hydro Electric Project is approved by District Magistrate, Chamoli.

- (xix) **Present Status:** The Implementation of Rehabilitation Action Plan (RAP) and R&R related Activities are presently under progress. Compensation has been provided by SLAO to PAFs whose land, assets etc. has been acquired for the project under LA Act 1894. Additional R&R grants/ Assistance have been provided by THDCIL as per the approved R&R policy.

Around 94% of Compensation amount has been disbursed by Special Land Acquisition Officer (SLAO) and approx. 88% R&R grant have been disbursed by THDCIL.

- (xx) **Environmental Management Plan:** Different aspects of the EMP of VPHEP are under implementation by Three Agencies such as Forest Department, GoUK, THDCIL, and M/s HCC-the Contractor responsible for construction of VPHEP.

Items	EMP Cost (A+B+C)	Capital (lakh)	Total Recurring Cost (Lakh)
Bio-diversity Management Plan (A)	6267.51	6087.51	180
Under contractors Scope (B)	1528.09	1508.09	20
Other (C)	1227.56	331.46	896.1
Total	9023.16	7927.06	1096.1
Total Recurring Cost per Month			219.22

- (xxi) **Catchment Area Treatment (Cat) Plan:** The CAT plan highlights the management techniques to control erosion in the catchment area. The Catchment Area Treatment Plan for VPHEP has been prepared by the Badrinath Forest Division, Gopeshwar; Garhwal Circle, Pauri, Uttarakhand. As various CAT plans are already under implementation in this catchment particularly Tapovan Vishnugad CAT plan, only 18 micro watershed in 2 sub watersheds namely Budhiganga and Nagoigad has been selected for treatment. The total area of selected catchment is 84085.00ha. Out of which, 12964.00 ha (15.42%) is rocky and snowbound. The remaining area of 71121.00 ha (84.58%) is treatable. The initial provision for the CAT plan that was kept under 2007 EMP of VPHEP was Rs. 271.7 lakhs. However, the provision was revised by the forest department in 2012 and demanded Rs. 47.00 Crore. This includes financial provision for the CAT plan of Rs. 234.3 Lakh and for the Eco-restoration plan the provision is Rs. 4466.6 lakh.

- (xxii) **Fish Management Plan:** Snow trout (*Schizothorachthysprogastus* and *Schizothoraxrichardsonii*) is found in the project stretch. The fish management plan involves various options for management of Mahseer and Snow trout. Mahseer is a migratory fish and comes in the Alaknanda and its tributaries in search of feeding and breeding grounds. The catchment of Birahi River can be improved by plantation along the bank. The anthropogenic activity like extraction of sand, pebbles, gravels, stones and fishing activity in the river should be completely banned. A capital cost provision of Rs.10 lakhs were kept in 2009 EMP towards habitat restoration of Mahseer through improvement of the catchment of Birahi River and conservation of fish stock in the study stretch of Alaknanda. The Mahseer hatchery already constructed at the Tehri Dam on the Bhagirathi River is used for propagation of the Mahseer and will be utilized for VPHEP. For the management of the Snow trout (*Schizothorachthysprogastus*), THDC has been prepared a Fish management plan with consultation of Directorate of Cold Water Fisheries (DCFR), ICAR, Bhimtal. The budget provision kept under 2007 EMP was

only Rs. 65 lakhs. The same is proposed to be revised upto to Rs. 429.0 lakh, out of that 279 lakhs has already been incurred till date

- (xxiii) **Environmental Cost and Benefits:** The environment cost and benefits of the project has been carried out. It is manifest that the cost to environment is Rs. 18020.84 lakh whereas the annual benefits are Rs 83499.83 lakh and for useful life of project these are projected as Rs. 2490595.8 lakh, with benefit cost ratio of 138.20:1.
- (xxiv) **E-flow:** The Environmental flow (E-flow) at VPHEP shall be governed by the latest Gazette Notification dated 09th Oct, 2018 of GoI, regarding maintaining a minimum environmental flow in River Ganga up to Unnao, (UP). In dry season i.e. Nov to March 20 % of average flow of preceding 10 daily period will be maintained. During Lean season i.e. Oct, April and May 20 % and in High flow i.e. June to September 30% of average flow of preceding 10 daily period will be maintained.
- (xxv) **Project benefit:** The Project benefits of VPHEP are as follows:
- Capacity addition of 444 MW in the Northern Region, reducing peaking power shortage in the region. Annual Design Energy of 1657.09 MU (with 95% machine availability).
 - Integrated Development of Chamoli/ Garhwal region in the areas of employment, communication, education, health, tourism, development of flora & fauna etc.
 - Out of 13% free power to the home state Uttarakhand, 1% shall be utilized for contribution towards local area development.
- (xxvi) **Public hearing:** The commitments made by the Project during Public Hearing held on 09.01.2007 are all fulfilled by the project and compliance of the same is being shared with the MoEF&CC through six monthly compliance report. Also, MoEF&CC vide its letter dated 01.06.2021 grant exemption to under construction VPHEP project from any repeat Public Hearing.
- (xxvii) **Status of other statutory clearances:** The forest clearance (Stage I and Stage 2) has been granted to VPHEP vide letter dated 03.06.2011 and 28.05.2013 respectively. The Wildlife Clearance (WC) was accorded by NBWL vide letter F. No. 6-43/2007 WL-I (27th Meeting) dated 20.12.2012. Consent to Establishment (CTE) has been obtained from UKPCB vide letter No. UEPPSB/HO/NOC-CH-15/07/13 dt. 10.04.2007.

4. The sectoral Expert Appraisal Committee after detailed deliberations in its 15th meeting held on 27th July, 2021 through Video conferencing on the information submitted and as presented recommended the proposal for Environmental Clearance. Based on recommendation of EAC, Ministry, hereby accords approval for grant of Environmental Clearance to Vishnugad-Pipalkoti Hydro-Electric Project of 444 MW in an area of 141.568 ha by M/s THDC India Limited located at village Haat, Tehsil Joshimath, District Chamoli, under the provisions of EIA Notification, 2006 and subsequent amendments/circulars thereto subject to the compliance of the following additional terms & conditions/ specific conditions for environmental safeguards:

- (i) The Environmental Management Plan (EMP) shall be strictly adhered to as submitted in the EIA/EMP report. The budgetary provisions for implementation of EMP, shall be fully utilized and not to be diverted to any other purpose. In case of revision of the project cost or due to price level change, the cost of EMP shall also be updated proportionately.

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- (ii) Environment matrix provided in EMP be revised if any data change. Number and period of stocking of Fish be incorporated in EMP.
- (iii) Separate budget shall be allocated for fish hatcheries and herbal and the same shall be implement in stipulated time period.
- (iv) The contract clause limiting the No. of vehicles used during excavation and transportation shall followed scrupulously and the same shall informed to the ministry.
- (v) Pasture Development Plan be revised in terms of Rate of plantation and their Cost.
- (vi) After 5 years of the commissioning of the project, a study shall be undertaken regarding impact of the project on the environment. The study shall be undertaken by an independent agency.
- (vii) Geological changes or catastrophic event within 10km region, every two-year data shall be submitted to RO, MoEF&CC. The same shall be obtained from Geological Survey of India. If any major events which can affect the dam, management plan shall be prepared and submit to the RO, MoEF&CC.
- (viii) Solid waste generated, especially plastic waste, etc. should not be disposed of as landfill material. It should be treated with scientific approach and recycled. Use of single-use plastics may be discouraged.
- (ix) PP shall ensure the Ambient Air Quality Monitoring Stations for real time data display and regularly submit to respective Ro, MoEF&CC.
- (x) Land acquired for the project shall be suitably compensated in accordance with the law of the land with the prevailing guidelines. Private land shall be acquired as per provisions of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.
- (xi) PP shall procure construction material only from those Organizations having all valid legal/statutory clearances/permissions or necessary permission to be obtained for quarrying construction materials for the project as per the EIA Notification, 2006 and as amended thereof.
- (xii) An institutional mechanism to be developed to ensure the preference of jobs to PAFs and also a policy for preferential treatment for award of sundry works to the PAFs and their dependents.
- (xiii) Necessary control measures such as water sprinkling arrangements, and construction of paved roads leading to muck disposal sites etc. shall be taken up on priority to arrest fugitive dust at all the construction sites.
- (xiv) Stabilization of muck disposal sites using biological and engineering measures shall be taken up immediately to ensure that muck does not roll down the slopes and shall be disposed safely and that it does not pollute the natural streams and water bodies in surrounding area. Report of the same to be submitted to Ministry and its Regional office.
- (xv) A multi-specialty hospital to cater the need of people living within 10 km radius of the project shall be established.
- (xvi) Solar lights for illumination alongwith associated Solar panels to be provided to the families living in rural areas within 10 km radius of project.
- (xvii) The e-flow shall continue to be released as per the previous EC granted to the project.
- (xviii) Computer labs with internet facility shall be established in primary schools within 10 km radius of project.
- (xix) Sport complex with multi- sport facility shall be established. The children's from economically weaker section shall be given free of cost sport facility.

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- (xx) A time bound action plan for compliance of each of the above condition will be submitted to RO, MoEF&CC within 3months.
- (xxi) Observations raised by RO, MoEF&CC in certified compliance report shall be complied with and if not done in stipulated time/ before commencement of Project, Environmental Clearance will be withdrawn.
- (xxii) The Multi-Disciplinary Committee needs to be reconstituted and the meeting needs to be held at regular interval
- (xxiii) PP should establish in house (at project site) environment laboratory for measurement of environment parameter with respect to air quality and water (surface and ground. A dedicated team to oversee environment management shall be setup which should comprise of Environment Engineers, Laboratory chemist and staff for monitoring of air, water quality parameters on routine basis.
- (xxiv) All the specific conditions mentioned in the EC dated 22nd August 2007 shall be complied within stipulated time.

5. Standard EC Conditions for River Valley and Hydroelectric projects

I. Statutory compliance:

- i. The project proponent shall obtain forest clearance under the provisions of Forest (Conservation) Act, 1986, in case of the diversion of forest land for non-forest purpose involved in the project.
- ii. The project proponent shall obtain clearance from the National Board for Wildlife, if applicable.
- iii. The project proponent shall prepare a Site-Specific Conservation Plan & Wildlife Management Plan and approved by the Chief Wildlife Warden. The recommendations of the approved Site-Specific Conservation Plan/ Wildlife Management Plan shall be implemented in consultation with the State Forest Department. The implementation report shall be furnished along with the six-monthly compliance report. (incase of the presence of schedule-I species in the study area)
- iv. The project proponent shall obtain Consent to Establish/ Operate under the provisions of Air (Prevention & Control of Pollution) Act, 1981 and the Water (Prevention & Control of Pollution) Act, 1974 from the concerned State pollution Control Board/ Committee.
- v. NOC shall be obtained from National Commission of Seismic Design Parameters (NCSDS) of CWC.
- vi. Necessary approval of CEA shall be obtained for those projects having the project cost more than Rs. 1,000 crore.

II. Air quality monitoring and preservation

- i. Regular monitoring of various environmental parameters viz., Water Quality, Ambient Air Quality and Noise levels as per the CPCB guidelines at designated locations shall be carried out on monthly basis and a detailed database of the same shall be prepared and recorded. This shall be used as a baseline data for post construction EIA/ Monitoring purposes.
- ii. Appropriate Air Pollution Control (APC) system shall be provided for all the dust generating points including fugitive dust from all vulnerable sources, so as to comply prescribed standards.
- iii. Necessary control measures such as water sprinkling arrangements, etc. betaken up to arrest fugitive dust at all the construction sites.

III. Water quality monitoring and preservation

- i. Conjunctive use of surface water to be planned in the project to check water logging as well as to increase crops productivity. The field drains shall be connected with natural drainage system.
- ii. Remodelling of existing natural drains (link drains) and connecting them with irrigated land through constructed field drains, collector drains, etc. are to be ensured on priority basis.
- iii. Before impounding of the water, Cofferdams for both at the upstream and downstream are to be decommissioned as per EIA/EMP report so that once the project is commissioned; cofferdam should not create any adverse impact on water environment including the rock mass and muck used for the Cofferdam.
- iv. As the reservoir will be acting as balancing reservoir and there would be fluctuation of water level during peaking period, efforts be made to reduce impact on aquatic life including impacts during spawning period both at the upstream and downstream of the project
- v. Water depth sensors shall be installed at suitable locations to monitor e-flow. Hourly data to be collected and converted to discharge data. The Gauge and Discharge data in the form of Excel Sheet be submitted to the Regional Office, MoEF&CC and to the CWC on weekly basis.
- vi. Mixed irrigation shall be practised and necessary awareness be given to all the farmers and trained in the use of such systems. Proper crops selection shall be carried out for making irrigation facility more effective.
- vii. On Farm Development (OFD) works like landscaping, land levelling, drainage facilities, field irrigation channels and farm roads, etc. should be taken up in phased manner prior to the start of irrigation in the entire command area. The Command Area Development Plan should be strictly implemented as proposed in the EIA/EMP report

IV. Noise monitoring and prevention

- i. All the equipment likely to generate high noise shall be appropriately enclosed or inbuilt noise enclosures be provided so as to meet the ambient noise standards as notified under the Noise Pollution (Regulation and Control) Rules, 2000, as amended in 2010 under the Environment Protection Act (EPA), 1986.
- ii. The ambient noise levels should conform to the standards prescribed under E(P)A Rules, 1986 viz. 75 dB(A) during day time and 70 dB(A) during night time

V. Catchment Area Treatment Plan

- i. Catchment Area Treatment (CAT) Plan as proposed in the EIA/EMP report shall be implemented in consultation with the State Forest Department and shall be implemented in synchronization with the construction of the project.

VI. Waste management

- i. Muck disposal be carried out only in the approved and earmarked sites. The dumping sites shall be located sufficiently away from the HFL of the river. Efforts be made to reuse the muck for construction and other filling purposes and balanced be disposed of at the designated disposal sites. Once the muck

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- disposal sites are inactive, proper treatment measures like both engineering and biological measures be carried out so that sites are stabilized quickly.
- ii. Solid waste management should be planned in details. Land filling of plastic waste shall be avoided and instead be used for various purposes as envisaged in the EIA/EMP reports. Efforts be made to avoid one time use of plastics.

VII. Green Belt, EMP Cost, Fisheries and Wildlife Management

- i. Based on the recommendation of Cumulative Impact Assessment and Carrying capacity study of river basin or as per the ToR conditions or minimum 15% of the average flow of four consecutive leanest months, whichever value is higher, shall be released as environmental flow.
- ii. Detailed information on species composition particular to fish species from previous study/literature be inventorized and proper management plan shall be prepared for insitu conservation in the streams, tributaries of river and the main river itself for which adequate budget provision be made and followed strictly.
- iii. Wildlife Conservation Plan prepared for both core and buffer zones shall be implemented in consultation with the local State Forest Department.
- iv. To enrich the habitat of the project site, plantation shall be raised as envisaged in the EIA/EMP report. Plantation to be developed along the periphery of the reservoir in multi-layers with local indigenous species in consultation with the local State Forest Department.
- v. Compensatory afforestation programme shall be implemented as per the plan approved.
- vi. Fish ladder/pass as envisaged in the EIA/EMP report shall be provided for migration of fishes. Regular monitoring of this facility be carried out to ensure its effectiveness.

VIII. Public hearing and Human health issues

- i. Resettlement & Rehabilitation plan be implemented in consultation with the State Govt. as approved by the State Govt.
- ii. Budget provisions made for the community and social development plan including community welfare schemes shall be implemented in toto.
- iii. Preventive measures viz. fuming and spraying of mosquito control shall be done in and around the labour colonies, affected villages, stagnated pools, etc. Provisions be made to not to create any stagnated pools to avoid creation of breeding grounds of the vector borne diseases
- iv. Provision shall be made for the housing of construction labour within the site with all necessary infrastructure and facilities such as fuel for cooking, mobile toilets, mobile STP, safe drinking water, medical health care, crèche etc. The housing may be in the form of temporary structures to be removed after the completion of the project.
- v. Labourforce to be engaged for construction works shall be examined thoroughly and adequately treated before issuing them work permit. Medical facilities shall be provided at the construction sites.
- vi. Early Warning Telemetric system shall be installed in the upper catchment area of the project for advance intimation of flood forecast.
- vii. Emergency preparedness plan be made for any eventuality of the dam failure and shall be implemented as per the Dam Break Analysis

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IX. Corporate Environment Responsibility

- i. The project proponent shall comply with the provisions contained in this Ministry's OM vide F. No. 22-65/2017-IA.III dated 1st May, 2018, as applicable, regarding Corporate Environment Responsibility.
- ii. Skill mapping be undertaken for the youths of the affected project area and based on the skill mapping, necessary trainings to the youths be provided for their long time livelihood generation
- iii. The company shall have a well laid down environmental policy duly approve by the Board of Directors. The environmental policy should prescribe for standard operating procedures to have proper checks and balances and to bring into focus any infringements/ deviation/ violation of the environmental/ forest/ wildlife norms/ conditions. The company shall have defined system of reporting infringements/ deviation/ violation of the environmental/ forest/ wildlife norms/ conditions and/ or shareholders/ stake holders. The copy of the board resolution in this regard shall be submitted to the MoEF&CC as a part of six-monthly report.
- iv. A separate Environmental Cell both at the project and company head quarter level, with qualified personnel shall be set up under the control of senior Executive, who will directly to the head of the organization.
- v. Action plan for implementing EMP and environmental conditions along with responsibility matrix of the company shall be prepared and shall be duly approved by competent authority. The year wise funds earmarked for environmental protection measures shall be kept in separate account and not to be diverted for any other purpose. Year wise progress of implementation of action plan shall be reported to the Ministry/ Regional Office along with the Six Monthly Compliance Report.
- vi. Post EIA and SIA be prepared for the project through a third party and evaluation report be submitted to the Ministry after five years of commissioning of the project.
- vii. Multi-Disciplinary Committee (MDC) be constituted with experts from Ecology, Forestry, Wildlife, Sociology, Soil Conservation, Fisheries, NGO, etc. to oversee implementation of various environmental safeguards proposed in EIA/EMP report during construction of the project. The monitoring report of the Committee shall be uploaded in the website of the Company.
- viii. Formation of Water User Association/ Co-operative be made involment of the whole community be ensured for discipline use of available water for irrigation purposes

X. Miscellaneous

- i. The project proponent shall make public the environmental clearance granted for their project along with the environmental conditions and safeguards at their cost by 5 prominently advertising it at least in two local newspapers of the District or State, of which one shall be in the vernacular language within seven days and in addition this shall also be displayed in the project proponent's website permanently.
- ii. The copies of the environmental clearance shall be submitted by the project proponents to the Heads of local bodies, Panchayats and Municipal Bodies in addition to the relevant offices of the Government who in turn has to display the same for 30 days from the date of receipt.

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- iii. The project proponent shall upload the status of compliance of the stipulated environment clearance conditions, including results of monitored data on their website and update the same on half-yearly basis.
- iv. The project proponent shall submit six-monthly reports on the status of the compliance of the stipulated environmental conditions on the website of the ministry of Environment, Forest and Climate Change at environment clearance portal.
- v. The project proponent shall submit the environmental statement for each financial year in Form-V to the concerned State Pollution Control Board as prescribed under the Environment (Protection) Rules, 1986, as amended subsequently and put on the website of the company.
- vi. The project proponent shall inform the Regional Office as well as the Ministry, the date of financial closure and final approval of the project by the concerned authorities, commencing the land development work and start of production operation by the project.
- vii. The project authorities must strictly adhere to the stipulations made by the State Pollution Control Board and the State Government.
- viii. The project proponent shall abide by all the commitments and recommendations made in the EIA/EMP report, commitment made during Public Hearing and also that during their presentation to the Expert Appraisal Committee.
- viii. No further expansion or modifications in the plant shall be carried out without prior approval of the Ministry of Environment, Forests and Climate Change (MoEF&CC).
- ix. Concealing factual data or submission of false/ fabricated data may result in revocation of this environmental clearance and attract action under the provisions of Environment (Protection) Act, 1986.
- x. The Ministry may revoke or suspend the clearance, if implementation of any of the above conditions is not satisfactory.
- xi. The Ministry reserves the right to stipulate additional conditions if found necessary. The Company in a time bound manner shall implement these conditions.
- xii. The Regional Office of this Ministry shall monitor compliance of the stipulated conditions. The project authorities should extend full cooperation to the officer (s) of the Regional Office by furnishing the requisite data/ information/ monitoring reports.
- xiii. The above conditions shall be enforced, inter-alia under the provisions of the Water (Prevention & Control of Pollution) Act, 1974, the Air (Prevention & Control of Pollution) Act, 1981, the Environment (Protection) Act, 1986, Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016 and the Public Liability Insurance Act, 1991 along with their amendments and Rules and any other orders passed by the Hon'ble Supreme Court of India/ High Courts and any other Court of Law relating to the subject matter.
- xiii. Any appeal against this EC shall lie with the National Green Tribunal, if preferred, within a period of 30 days as prescribed under Section 16 of the National Green Tribunal Act, 2010

6. All the terms and conditions of the Environment Clearance stipulated in previous EC and amendments dated 22nd August, 2007, 18th January, 2008 and 30th November, 2012 shall remains unchanged.

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7. This issues with the approval of the Competent Authority.

Yours faithfully,



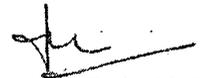
(Lalit Kumar Bokolia)
Scientist 'F'

Email Id: lk.bokolia@nic.in

Telefax: 01124695363

Copy to:

1. The Secretary, Ministry of Power, Shram Shakti Bhawan, Rafi Marg, New Delhi - 110 001.
2. The Secretary, Ministry of Water Resources, RD&GR, Shram Shakti Bhawan, Rafi Marg, New Delhi - 110 001.
3. The Principal Secretary (Irrigation & Power), Government of Uttarakhand, Dehradun - 248 006.
4. The Chief Engineer, Project Appraisal Directorate, Central Electricity Authority, Sewa Bhawan, R. K. Puram, New Delhi - 110 066.
5. The DDG (Central), Ministry of Environment, Forest and Climate Change, Regional Office (NCZ), Pearson Road, P. O. New Forest, Forest Research Institute (FRI) Campus, Dehradun - 248 006.
6. The Member Secretary, Uttarakhand Environment Protection & Pollution Control Board, Paryavaran Bhawan, E-1 15, Nehru Colony, Dehradun.
7. Guard File



(Lalit Kumar Bokolia)
Scientist 'F'



RECORD NOTE OF DISCUSSION OF THE EXPERT APPRAISAL COMMITTEE (EAC) FOR RIVER VALLEY AND HYDRO-ELECTRIC PROJECTS HELD ON 28TH OCTOBER, 2021 AND 25TH NOVEMBER, 2021 THROUGH VIDEO CONFERENCE IN REFERENCE TO THE DIRECTIONS PASSED BY HON'BLE NATIONAL GREEN TRIBUNAL (NGT), PRINCIPAL BENCH, NEW DELHI ON 08.10.2021;

UNDER APPEAL NO. 21/2021 TITLED AS DR BHARAT JHUNJHUNWALA & ANR. VS UNION OF INDIA AND ORS. REGARDING VISHNUGAD-PIPALKOTI HYDRO-ELECTRIC PROJECT (444 MW) IN THE STATE OF UTTARAKHAND.

The directions of the Hon'ble Tribunal passed under Appeal No. 21/2021 titled as Dr. Bharat Jhunjunwala and Anr. Vs Union of India & Ors. regarding Vishnugad-Pipalkoti Hydro-Electric Project (444 MW) in the State of Uttarakhand were discussed by the Expert Appraisal Committee for considering the River Valley & Hydro-electric Projects for grant of Environmental Clearance (EC) under the provisions of the EIA Notification, 2006 as amended, during its meetings held on 28th October, 2021 and 25th November, 2021 through video conference.

[A] The EAC noted that the Hon'ble National Green Tribunal (NGT) Principal Bench, New Delhi has passed directions vide its Order dated 8th October, 2021 in Appeal No. 21/2021 filed by Dr. Bharat Jhunjunwala & Anr. Vs Union of India & Ors. against EC dated 26.08.2021 granted by the Ministry of Environment, Forest and Climate Change (MoEF&CC) to the Vishnugad-Pipalkoti Hydro-electric Project of (444 MW) in an area of 141.568 ha located at Village Haat, Tehsil Joshimath, District Chamoli, Uttarakhand by M/s THDC India Limited.

The Hon'ble Tribunal while hearing the aforesaid matter inter-alia observed as under:

".....1. This Appeal has been preferred against Environment Clearance (EC) dated 26.08.2021 granted by MoEF&CC to the Vishnugad-Pipalkoti Hydro-Electric Project of 444 MW in an area of 141.568 ha by M/s THDC India Limited located at Village Haat, Tehsil Joshimath, District Chamoli, Uttarakhand.

2. The appellant has stated that Initially EC for the project was granted on 22.08.2007 for ten years, which was extended for three years and has been now extended upto 21.08.2021. However, the project has not been operationalized and is still under construction. The project is funded by the World Bank. Out of total cost of about Rs. 3800 Crores, more than 50% of the cost has already been incurred.

3. According to the appellant, Cost Benefit Analysis (CBA) is in favour of abandoning the project. Dispensing with of public hearing is not called for nor valid as the project is not completed to the extent of 50 %, as required for such exemption. EAC has not undertaken proper evaluation of the mitigation

measures. It has gone by rapid EIA, ignoring the deficiencies, particularly impacts of soil erosion, blasting, decline in water quality, loss of aesthetic values and loss of aquatic biodiversity. These impacts have not been duly evaluated nor included in the CBA. The scope of the project has changed as noted in the EAC Minutes, in comparison to the 2006 DPR, as per information shown by the following table:-

Item	2006 DPR (Annexure A-13)	2021 EAC Minutes (Annexure A-12)	Change
DIVERSION TUNNEL			
Length	490	559 m (494 m tunnel and 65 m cut & cover)	+69 m
Diameter	10	10.5 m, Circular	+0.5m
Gates	10m*10m	4 m * 10.5m, vertical lift fixed wheel	+58 sqm
Invert level at entry	1228	1224m	-4m
Height	15 m	24 m	+9 m
Length	46 m	40 m	-6 m
Height	6 m	7.5 m	+1.5 m
Top EL	1228	EL 1222.5 m	-5.5
DIVERSION DAM			
Length	89.3	98.85 m (NOF 31.85 m, OF 67 m)	+9.55 m
SPILLING ARRANGEMENT			
A. Sluices:			
Nos.	4	5	+1
Design Flood	8004	10840 m ³ /sec	+2836 m
Size of sluice	6.6*15	7.8m (W) * 16 m (H)	+25.8
B. Diversion Cum Spillway Tunnel			
Length	490	100 m	-390 m

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<i>Design Discharge</i>	1074	1578 m ³ /sec	+504
<i>Gate</i>	2+1, 4.1 m * 10 m	2+1 no., 4 m* 10.5 (Vertical lift fixedwheel gate)	+ 1 sqm (4.1x10>4x10.5)
DESILTING CHAMBER			
<i>Size</i>	350*16m*20.6 m	390m (L) * 16 m (W) * 21.25 m (H)	+ 17240
<i>Gates</i>	2.5*2.85	3 Nos. 1.8 m*2.12 m (Vertical lift slidegate)	-3.309
HEAD RACE TUNNEL			
<i>Diameter</i>	8.8 horse shoe	8.8 m Circular	Shape change
<i>Velocity</i>	3.56	3.76 m/sec	+0.2
<i>Bed slope (average)</i>	1.208	1:121 (upstream of Maina River 1:321) Downstream of Maina River)	-8.087
UPSTREAM SURGESHAFT			
<i>Height (from HRT invert)</i>	130	154 m	+24 m
<i>Top EL</i>	1305	1309 m	+4 m
<i>Orifice level</i>	1185	1165 m	-20m
<i>Tunnelinvert</i>	1175	EL 1155 m	-20m
<i>Maximum surge level</i>	1304	1307.42m	+3.42m
PRESSURE SHAFT			
<i>Length of each PS</i>	351/36.7	466.4 m/51m	-0.41893466
POWERHOUSE			
<i>Size of P/Hcavern</i>	127*20.3*50	146m*20.3m*48m	+13357.4

Size of transformer cavern	112*16*24.5	140.3m*15m*25.5 m	+9760.75
Service baylevel	1041	EL 1036m	-5
D/S SURGE TANK			
Size	120*12*27	150m (L)*13m (W) * 27 m (H)	+13770
Minimum surge level	1026.5	1022.37 m	-4.13
TAIL RACE TUNNEL			
a) Size	8.8	9.1 m (Φ), (Circular)	+0.3
d) Min. TWL	1027.2	1028.2 m (with 10%load)	+1
e) TRT invert level	1025	EL 1020.6 (at Outlet) crest level of weir at outlet is 1027 m.	-4.4
SWITCHYARD			
e) No. of bays in the switchyard	8	7 bays	-1
d) Size of Potyard	40*60m	40m*84m	+960

4. The Project has also undergone design review as per THDC progress report of July 2021. The appellant has also presented following tables to show that only 10% of the total constructions have been done and not 50% as claimed:

Table No. 1

S. No.	Work	Present status of the project as per CEA July 2021 report (Annexure A-16)	Analysis	Percent completed
1.	De-silting chambers	3 De-silting Chambers benching 40%	-	40.0

		<i>completed</i>		
2.	<i>HRT-TBM commissioned but no progress</i>	<i>Heading excavation of HRT by DBM has been completed 739 out of 960m. TBM has been commissioned. During operation of TBM in the RBM zone, big boulders have been encountered, which has been hampered TBM operation. To overcome this problem two approach adits are being constructed to reach the cutter head.</i>	<i>Length of Head Race Tunnel is 13.4 km. of this (1) 739 m DBM; and nil HRT has been completed as TBM is hampered. Thus 739/13400+ 5.5% is complete</i>	5.5
3.	<i>Tail Race Tunnel</i>	<i>In TRT, heading excavation 443 m out of 3070m completed</i>	<i>Although this is only excavation, yet giving benefit of doubt we may consider $443/3070=14.4\%$ complete.</i>	14.4
4.	<i>Barrage</i>	-	<i>As per our information zero work is done. Silence in CEA Progress report confirms this.</i>	0.0
5.	<i>Electro-mechanical works</i>	<i>Supply works of Rs. 167.60 Crore has been completed. Total project cost is 4397 Crore.</i>	<i>The cost of Electro-mechanical works was 473.64 Crores out of project cost of 2031.64 Crore as per TEC (Annexure A-17) Pro-rata the cost of Electro-mechanical</i>	

			works will be 1024 crore at project cost of 4397 Crore of this 167.60 Crore of 16.3% is completed.	
6.	Average			15.2

Table No. 2

<i>EAC minutes 29th July 2020 Annexure A-6)</i>	<i>THDC progress report July 2021 (Annexure A-14</i>	<i>CEA Report July 2021 (Annexure A-16)</i>
<p><i>Physical progress of major works including Financial progress as on 30th June, 2020 is as under:</i></p> <ul style="list-style-type: none"> • <i>25% of Civil & HydroMechanical works completed.</i> • <i>28% of Electro Mechanical works completed.</i> <p><i>Overall investment is Rs. 1971.95 Cr.</i></p>	<p><i>Total expenditure is 2271.35 Cr.</i></p>	<p><i>Vishnugad Pipalkoti THDC 21.08.2008 4x111-444 MW Broad features Dam – 65m High 89.3 m long, concrete gravity HRT 13.4 Km, 8.8 dia Horse shoe shape P. House Underground 124m X 20.3m x 50m Turbine Francis SWYD – 13.8/420 KV Cost : Original 2491.58 Latest: 4397.8</i></p>

5. In view of above contentions, we find it necessary to issue notice to the MoEF&CC and the Project Proponent (PP). Notice may be sent by e- mail by the Registry directly as well as the appellant may also serve Notice on the said parties along with a set of papers. Response may be filed within one month.

6. We also direct the MoEF&CC to obtain and file an Expert opinion from

the EAC for River Valley and Hydro-Electric Projects within two months by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF.

List for further consideration on 10.02.2022.....”

[B] EAC Deliberations:

1. The EAC discussed upon the directions passed by the Hon'ble Tribunal and noted that contentions made by the appellant before the Hon'ble Tribunal are about consideration of critical environmental issues by the EAC and process followed for granting the Environmental Clearance to the project.

2. The EAC noted that initially EC to the project in question was granted vide letter no. J-12011/29/2007-IA.I dated 22nd August, 2007 with a validity period of 10 years, which was further extended for 3 years (up to 21st August, 2020) vide letter dated 25.04.2018 in terms of the provisions of the EIA Notification, 2006, as amended. As the project could not get completed within the span of 13 years and there is no provision in the EIA Notification, 2006 to extend the validity beyond 13 years, the project proponent initiated the process for obtaining a fresh Environmental Clearance under the provisions of the EIA Notification, 2006 as amended, by submitting the proposal for getting fresh Terms of Reference for conducting Environment Impact Assessment Study.

Accordingly, the EAC, after detailed examination of the revised project details as submitted by the project proponent, prescribed suitable TOR for conducting EIA study addressing the environment concerns in present scenario viz. loss of biodiversity, soil conservation, socio-economic aspects etc. While prescribing the TOR for EIA study, the EAC kept in mind the ecological sensitivity of the region as well, accordingly suitable TOR were framed for studying the possible environmental impacts of the project during construction and operation phase in a comprehensive manner. Based on recommendation of EAC, Ministry vide its letter dated 2nd March, 2021 granted ToR to the instant project.

3. The EAC also viewed that design changes as observed by the petitioner generally happens during implementation of the project as per ground realities. However, there is no change in the major environmental parameters such as submergence area, FRL, the height of the dam above river bed etc. have not been changed. It was also observed that area of agricultural land which was going to be used has decreased from 40 ha to 31.639 ha at the time of fresh EC proposal.

It was also observed that since there is no additional land acquisition involved, no material change in the environmental related parameters of the project foreseen, and also the fact that the project has attained a considerable progress with respect to civil and hydro-mechanical work, electro-mechanical work and implementation of R&R plan etc., repeat public hearing was not found necessary. In view of the actual progress being more than 50 percent as reported by the PP vide its email dated 15th April, 2021 the project was given exemption by MoEF&CC from public hearing in terms of the its Gazette Notification S.O. 221 (E) dated 18th January, 2021.

4. The project proponent vide proposal no. IA/UK/RIV/164607/2020 dated 15th July 2021 submitted the EIA/EMP report seeking grant of Environmental Clearance a fresh. The said proposal was considered by the EAC in its meeting held on 27th July 2021. After detailed deliberations on the information and documents submitted by the Project Proponent, the EAC recommended the proposal for grant of Environmental Clearance subject to compliance of certain environmental safeguards conditions along with standard EC conditions issued by Ministry for Hydro Electric Projects. In view of recommendations of the EAC, Ministry granted de-novo EC on 26th August, 2021 for the project in question.

5. The EAC was of the view that the proposal which was considered by the EAC for grant of Environmental Clearance was a fresh proposal with fresh data about environmental parameters, project profile etc. mentioned in the EIA/EMP report and salient features of the project submitted by the Project Proponent. The EAC critically examined all aspects like compliance of environmental safeguards conditions of the earlier EC, change in scope of the project, need of repeat public hearing, existing environmental conditions and possible environmental concerns in a holistic manner. Accordingly, suitable safeguards measures were suggested while recommending the project for grant of de-novo Environmental Clearance.

6. It is to be noted that comparing the project parameters of current proposal with the DPR of 2006 by the petitioner does not seem correct and relevant. Secondly, when the DPR was prepared in 2006 the project was in conceptual stage; however, the project profile submitted at the time of consideration of proposal for fresh EC the project has attained a considerable progress with respect to physical infrastructure and implementation of EIA/EMP and R&R plan.

7. It is also to be noted that the EAC deliberated this instant project at length of on all major environmental concerns associated with the construction of a hydro power project on the river such as loss of biodiversity due to the negative environmental impacts of soil erosion, blasting, decline in water quality, loss of aesthetic values and loss of aquatic biodiversity, etc. The compliance of all issues raised during public hearing held on 09.01.2007 was also taken into consideration while recommending the proposal for grant of fresh EC. Moreover, the project has been mandated to ensure compliance of all environmental safeguards conditions stipulated in the

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earlier EC as well as de-novo EC. Further, fresh Environment Management Plan with capital cost of Rs 1291.03 lakhs has to be implemented by Project Proponent.

The EAC consciously considered and examined the project in question with approach of sustainable development so as to minimise the environmental impacts of the projects in that particular ecosystem.

The meeting ended with vote of thanks to the Chair.

True copy

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ATTENDANCE LIST OF 28th OCTOBER, 2021

Sr. No.	Name & Address	Role	Attendance
1	Dr. K. Gopakumar	Chairman	P
2	Dr. N. Lakshman	Member	P
3	Dr. B. K. Panigrahi	Member	P
4	Dr. Chandras Deshpande	Member	P
5	Dr. A. K. Malhotra	Member	P
6	Dr. Uday Kumar R.Y.	Member	P
7	Shri Sharvan Kumar	Member (Representative of CEA)	P
8	Dr. J. A. Johnson	Representative of WII	P
9	Shri Amrendra Kumar Singh	Representative of (CWC))	P
10	Shri Yogendra Pal Singh	Member Secretary	P

ATTENDANCE LIST OF 25th NOVEMBER, 2021

Sr. No.	Name & Address	Role	Attendance
1	Dr. Uday Kumar R.Y.	Chairman	P
2	Dr. A. K. Malhotra	Member	P
3	Dr. Mukesh Sharma	Member	P
4	Shri Sharvan Kumar	Member (Representative of CEA)	P
5	Dr. A. K. Sahoo	Representative of CIFRI	P
6	Dr. J. A. Johnson	Representative of WII	P
7	Shri Amrendra Kumar Singh	Representative of (CWC))	P
8	Shri Yogendra Pal Singh	Member Secretary	P

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Proof of service

Kumar Rajesh Singh <adv.kumarrajeshsingh@gmail.com> 41

Reply on behalf of MoeF (UOI) Respondent no.1 In Appeal No.21 of 2021 Dr. Bharat Jhunjunwala & Anr. Vs UOI & Ors

1 message

Kumar Rajesh Singh <adv.kumarrajeshsingh@gmail.com>

Mon, Feb 14, 2022 at 10:13 PM

To: ankur.sood@soodandco.com

Please find enclosed herewith the copy of reply on behalf of MoeF (Respondent No.1) Union of India in the aforesaid Appeal.

--
Thanks & Regards :-

Kumar Rajesh Singh, Advocate

Off:- 53, Lawyers' Chamber,

Supreme Court of India,

New Delhi - 110001

Res :- Flat No.1003, 10th Floor, L Block,

Signature View Apartments,

Dr. Mukherjee Nagar Delhi - 110009

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Reply of Moef- Dr. Bharat Junjunwala& Anr. Vs Union of India & Ors.pdf

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