

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO. 617 OF 2022**

IN THE MATTER OF:

Pushpender ...Applicant

Versus

State of U.P. & Ors. ...Respondents

INDEX

SR. NO.	PARTICULARS	PAGES
1.	Reply on behalf of Respondent No. 4/Prayagraj Power Generation Company Limited with affidavit.	1-16
2.	ANNEXURE R4/1 A true copy of the letter issued by PPCGL to UPPCB dated 21.02.2023.	17-22
3.	ANNEXURE R4/2 The Photographs of the Dust Separation and Dust Extraction System.	23
4.	ANNEXURE R4/3 The Photographs of the metalled road in the vicinity of PPGCL used for transportation of the Fly Ash.	24-26
5.	ANNEXURE R4/4 The Photographs of the water tankers maintained by PPGCL.	27
6.	ANNEXURE R4/5 The Photographs exhibiting the greenbelt area around the boundary of PPGCL.	28-29
7.	ANNEXURE R4/6 A true copy of the Letter dated 30.06.2021 of handing over of the RO Plant by PPGCL to the Gram Pradhan.	30-31

8. **ANNEXURE R4/7**
A true copy of the letter dated 11.02.2023 written by PPGCL to SDM requesting the change of location of the transformer in the village. **32-33**
9. **ANNEXURE R4/8 (COLLY.)**
True copies of the Fly Ash Notifications. **34-68**
10. **ANNEXURE R4/9**
A true copy of the PPGCL Policy dated 01.04.2022. **69**
11. Vakalatnama on behalf of Respondent No.4 along with Authorization. **70-73**

FILED BY



SKV LAW OFFICES

Advocates for Respondent No.4
B-50, Defence Colony, New Delhi-110024

Phone: 011-47099999

Email: lawyers@skvlawoffices.com

Place: New Delhi

Date: 30.03.2023

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO. 617 OF 2022

IN THE MATTER OF:

Pushpender ...Applicant

Versus

State of U.P. & Ors. ...Respondents

REPLY ON BEHALF OF RESPONDENT NO. 4/PRAYAGRAJ POWER
GENERATION COMPANY LIMITED

MOST REPECTFULLY SHOWETH:-

I. CONSPECTUS:-

1. The present Letter Petition has been filed by Mr. Pushpender (“**Applicant**”) before this Hon’ble Tribunal through e-mail whereby the Applicant has alleged that M/s Prayagraj Power Generation Company Limited (“**PPGCL**”/“**Project Proponent**”/“**Respondent No. 4**”) and M/s.Ultratech Cement Limited (“**Respondent No. 5**”) are polluting the environment due to the storage of cement brought by trucks to the village *Berui Post Bemra Shankargadh, Teshil Bara* District Prayagraj, Uttar Pradesh (“**UP**”). In addition to this, the Applicant has also alleged that on account of the Project operations of PPGCL and Respondent No. 5, the water near the Project site is being contaminated thereby rendering it unfit for consumption.
2. Upon receipt of the Letter Petition filed by the Applicant, this Hon’ble Tribunal *vide* its order dated 29.09.2022 took *Suo Moto* cognizance of the

allegations made thereunder and accordingly registered the same as Original Application ("OA") bearing No. 617 of 2022.

Re. Constitution of Joint Committee:

3. *Vide* the said order itself, this Hon'ble Tribunal while expressing its *prima facie* views on the allegations raised by the Applicant *vide* the Letter Petition, constituted a Joint Committee ("JC") comprising of the representatives of the Central Pollution Control Board ("CPCB"), the State Pollution Control Board ("SPCB"/"UPPCB"/"Respondent No. 2") and the District Magistrate, Prayagraj ("Respondent No. 3"), for the purposes of verifying the exact factual position of the Project site and submit its Action Taken Report ("Report") within a period of one month accordingly.
- 3.1. In compliance with the said order, JC conducted Joint Inspection on 04.12.2022 and 05.12.2022 respectively and accordingly a Report dated 17.01.2023 containing certain observations *qua* PPGCL and Respondent No. 5, was submitted by UPPCB (on behalf of the JC) before this Hon'ble Tribunal. The relevant extracts of the Report are reproduced herein below:-

"4) Details of the Project Proponent: -

A) M/s Prayagraj Power Generation Company Limited (PPGCL): M/s Prayagraj Power Generation Company Limited has established 3 x660 MW capacity coal fired supercritical thermal power plant at tehsil Bara of Prayagraj district in the state of Uttar Pradesh (India). The plant is situated on NH-76 at about 40 Kms from Prayagraj (Allahabad) city in south west direction. The nearest railway station BEVRA (Allahabad - Manikpur Section of NCR) is approx. 3 km from site. All the three units 1,2 & 3 have achieved COD (Commercial Operation Date) on 20 February 2016, 10 September 2017 and 26 May 2017 respectively. The consent issued under Air Act 1981 & Water Act 1974 is valid up to 31.12.2025 and authorization for Handling of Hazardous

Waste up to 04.10.2026 under Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016.

...

5) Visit of village Berui:-

The village Berui situated in the adjacent boundary of the M/s PPGCL and M/s Ultra Tech Cement Limited. The living population in the village is approximate 250-300. Village is fully dependent upon the handpump for the drinking water and no pipe water supply available for them. M/s Prayagraj Power Generation Company Limited has installed 500 KLD RO plant under Corporate Social Responsibility (CSR) in Berui village for supply of drinking water. During visit RO plant was found, non-operational due to electricity issue. The joint committee visited at Berui village along with the project proponent and complainant to ascertain the factual status of the Air and Water Pollution nearby areas. Committee had decided to collect the environmental samples i.e., Water and Ground water and Air Samples (PM10) to evaluate the overall pollution status in the Berui Village.

.....

6) Conclusion and Recommendation

- **During the visit the Air and Water pollution level has been assessed for pollution sensitive parameter as per complaint made by applicant. The pollution level during the visit in general was not found alarming level barring few parameters such as an Ambient Air (PM10), Drains (BOD and Nitrate) and in Ground water (pH, Calcium Sulphate) were found marginally higher than the prescribed norms (PM10- 6.33 %, BOD-46%, Nitrate- 14 %, Calcium-12% and Sulphate- 25%).**

- **Both project proponent M/s PPGCL, Bara, Prayagraj & M/s Ultratech Cement Limited, Bara, Prayagraj have installed the air pollution control device at desired locations and process. Details of the APCD is annexed as annexure II & III for reference.**

- **Since Berui village is adjacent to boundary wall of M/s Ultratech and M/s PPGCL, the possibility of adverse impact of the Air pollution issue during summer or dry weather condition when the wind direction would be towards the village will appear, as the activities (such as handling of gypsum or other raw material, movement of heavy vehicle, constructions, handling of fly ash/bottom ash, coal handling etc.) which has got high potential of Air pollution is being carried out by the both project proponent. Therefore, the Joint committee advice to take following measure to improve and maintain the environmental condition to the surrounding proximity area.**

....

M/s Prayagraj Power Generation Company Limited (PPGCL):

- ***Ash handling plant/ ash dyke of M/s PPGCL has high potential of air pollution particularly in dry season, required to be appropriately manage to reduce the Air pollution as per the notifications made in this regard.***
- ***Dust Separation System and Dust Extraction System should be deployed appropriate within the plant (particularly ash handling, coal handling plant) to avoid Air pollution dispersion in the surrounding area.***
- ***M/s PPGCL should maintain their road conditions, vehicle etc. to reduce the line source of air pollution in and around the unit.***
- ***Still scope of the enhancement of green belt near the boundary wall of village persist, therefore project proponent required increase the width of the green belt aligned to their boundary Wall.***
- ***M/s PPGCL has installed 500 KLD RO plant under corporate social responsibility (CSR) in Berui village for supply of drinking water. During visit RO plant found non-operational, M/s PPGCL should ensure proper functioning and maintenance of RO plant installed by them for supply of drinking water as no piped water supply made for the villager.***

[Emphasis Supplied]

4. Upon receipt of the Report dated 17.01.2023 and the observations made thereunder, this Hon'ble Tribunal *inter alia* issued notice to the Respondents including PPGCL and directed it to file its reply within a period of two months.
5. Accordingly, in terms of the directions of this Hon'ble Tribunal, PPGCL is filing the present reply.
6. It is respectfully submitted that on a bare perusal of the Report submitted by JC, it appears that the observations made are in relation to five (5) pertinent issues *qua* PPGCL (which have been reproduced in Para 3.1 of the present reply and the same is not being repeated here for the sake of brevity). In this regard, a letter dated 09.02.2023 was issued by UPPCB thereby calling upon PPGCL to provide necessary clarifications in respect

of the observations made by JC in its Report dated 17.01.2023.

7. On 21.02.2023, PPGCL in response to the letter dated 09.02.2023 issued by UPPCB, provided the necessary clarifications as sought, which are adequately dealt in the subsequent paras hereinbelow. A true copy of the letter issued by PPCGL to UPPCB dated 21.02.2023 is annexed here with and marked as **ANNEXURE R4/1**.
8. At the outset, the allegations made by the Applicant *vis-à-vis* the contamination of water and air pollution by PPGCL are unsubstantiated and bereft of material particulars. While, the response to the observations made in the Report have been detailed out in the subsequent paras, however, at this juncture, it is submitted that the alleged issue of air/water pollution on account of alleged storage of cement brought by trucks is concerned, the same is devoid of any merit in as much as PPGCL being a TPP is solely engaged in the business of generation and sale of electricity and is not even remotely connected with manufacturing of cement. Thus the question of contamination of water and/or air on account of the alleged storage of cement brought by trucks does not arise. Thus, this Hon'ble Tribunal may keep the said underlying fact in mind while adjudicating the present OA.
9. The point wise response and the submissions of behalf of PPGCL to the observation made in the Report are as follows::

II. PRELIMINARY SUBMISSIONS:-

Re. Adequate steps taken by PPGCL qua improving the quality of the environment:-

10. It is submitted that PPGCL has established 3 x 660 MW capacity coal fired supercritical Thermal Power Producer (“**TPP**”) at Bara, Prayagraj district in the State of UP.
- 10.1. The observations made by JC and the clarifications sought by UPPCB in respect thereto, are being dealt in a point-wise manner as hereunder: -
- A. *Deployment of Dust Separation System and Dust Extraction System within the plant to avoid air pollution:-***
- 10.2. It is respectfully submitted, that the requirement of the Dust Separation System and Dust Extraction System has not been fully appreciated by JC in its Report in as much as the observations made in respect thereto does not take into account the fact that PPGCL has had the adequate infrastructure which includes the Dust Separation System and Dust Extraction System, even prior to the joint inspection conducted by JC. PPGCL continues to have and hold such infrastructure and systems in place which are in working condition continuously and even as on filing of the present reply. The Photographs of the Dust Separation and Dust Extraction System are annexed hereto and marked as **ANNEXURE R4/2**.
- 10.3. To elaborate further, PPGCL has also installed bag filters at material transfer points in coal and ash handling plant area. In addition to this, the Dust Separation System like fogging system in wagon tippler and rainwater guns have been installed in the coal handling area. Thus, keeping in view the fact that PPGCL has taken adequate measures the question of any further deployment and/or development of any necessary infrastructure does not arise.

B. Maintenance of road conditions by PPGCL so as to reduce air pollution in and around the unit:-

10.4. In respect of the maintenance of road by PPGCL it is stated that PPGCL has constructed *pucca* (metalled) road in and around the unit for the purposes of transportation/ conveyance of Fly Ash from one unit to the other. The Photographs of the metalled road in the vicinity of PPGCL used for transportation of the Fly Ash are annexed hereto and marked as **ANNEXURE R4/3**.

10.5. PPGCL, like any other TPP, has ready supply of water tankers which are primarily responsible for sprinkling of water on the roads. The Photographs of the water tankers maintained by PPGCL is annexed hereto and marked as **ANNEXURE R4/4**.

C. Scope of further enhancement/ widening of the greenbelt area near the boundary wall of the village:-

10.6. In respect of the said issue, it is submitted that PPGCL has until September 2022 already planted and maintained 3,34,060 saplings for the purposes of the development of the green belt and approximately 20,520 saplings were also planted during the monsoon season in FY 2022-2023. The efforts undertaken by PPGCL in maintaining the saplings can also be substantiated from the fact that out of the 3,34,060 saplings planted in the month of September 2022, 90% of the saplings have survived as on date.

10.7. At this juncture, it is also worth stating that one of the primary objectives of PPGCL during the upcoming monsoon season is to plant more saplings so as to increase the green plantation in and around its boundaries to

improve the environment and ambient air quality. The Photographs exhibiting the greenbelt area around the boundary of PPGCL is annexed hereto and marked as **ANNEXURE R4/5**.

D. PPGCL to ensure proper functioning and maintenance of 500 KLD RO Plant installed under the Corporate Social Responsibility in Berui village:-

10.8. As far as the issue of proper functioning and maintenance of the RO Plant as pointed out by JC *vide* its Report dated 17.01.2023 are concerned, the following facts are worth noting:

- (a) PPGCL, as part of its Corporate Social Responsibilities (“**CSR**”), has installed a 500 KLD RO plant in Berui village for the purposes of supply of drinking water to the local villagers. Further, the expenditure incurred towards the installation of the said plant has been borne by PPGCL solely.
- (b) While PPGCL has already discharged its responsibility towards installation of the RO Plant as part of its CSR obligations, the maintenance, operation, payment of electricity bills, regulation of quantity of water to be supplied and other decisions in respect thereto are to be taken by the Gram Panchayat. This fact can be demonstrated by the letter dated 30.06.2021 issued by PPGCL to the Gram Pradhan of village Berui. A true copy of the Letter dated 30.06.2021 of handing over of the RO Plant by PPGCL to the Gram Pradhan is annexed hereto and marked as **ANNEXURE R4/6**.
- (c) That being said, from the Report submitted by JC, it appears that JC

has raised concerns over the non-operation of the said RO plant. In this regard, it is respectfully submitted that the issue of non-operation of the RO plant is not attributable to PPGCL in as much as the reasons for its non-operation are on account of inadequate voltage supply. In fact, as per the letter dated 30.06.2021, it is abundantly clear that the responsibility of maintenance and operations of the RO plant lies with the Gram panchayat.

- (d) Despite this being the case, PPGCL being a diligent entity is taking earnest steps and is running from pillar to post to resolve the said issue as expeditiously as possible. In this regard, a letter dated 11.02.2023 has been issued by PPGCL to Sub-Divisional Magistrate (“SDM”), Bara, Prayagraj, UP, thereby requesting it to look into the said matter and make necessary alternate arrangements for changing of the transformer so that proper/ adequate voltage can be supplied to the RO plant, which would then ensure continuous operations of the said RO plant. A true copy of the letter dated 11.02.2023 written by PPGCL to SDM requesting the change of location of the transformer in the village is annexed and marked hereto as **ANNEXURE R4/7**.
- (e) PPGCL also undertakes and would continue to take necessary steps in this regard, so that the said issue can be addressed expeditiously.

E. Ash handling plant/ Ash dyke of PPGCL having a risk of air pollution requires appropriate management:-

11. In this regard it is respectfully submitted that PPGCL being a TPP is solely

engaged in the business of generation and sale of electricity and is not even remotely connected with manufacturing of cement. Thus the question of contamination of water and / or air pollution on account of the alleged storage of cement brought by trucks as recorded by this Hon'ble Tribunal *vide* its order dated 29.09.2022, does not arise.

11.1. Since the process of generation of electricity entails the discharge of Fly Ash, PPGCL is under a bounden obligation for the safe utilisation of the Fly Ash. The said obligation is being adequately discharged by PPGCL in light of the prescribed norms and directives issued by the Ministry of Environment, Forest and Climate Change ("**MoEF&CC**") *vide* its Notifications in 1999, 2009, and 2021 ("**Fly Ash Notifications**"). The relevant extracts of the Fly Ash Notifications are reproduced hereinbelow for ease of reference :-

(a) The 1999 Fly Ash Notification deals with the following:-

"2. Utilisation of ash by Thermal Power Plants.

All coal or lignite based thermal power plants shall utilise the ash generated in the power plants as follows:

*(1) Every coal or lignite based thermal power plant shall make available ash, for at least ten years from the date of publication of this notification, without any payment or any other consideration, **for the purpose of manufacturing ash-based products such as cement, concrete blocks, bricks, panels or any other material or for construction of roads, embankments, dams, dykes or for any other construction activity.***

*(2) Every coal or lignite based thermal power plant commissioned subject to **environmental clearance conditions stipulating the submission of an action plan for full utilisation of fly ash** shall, within a period of nine years from the publication of this notification, phase out the dumping and disposal of fly ash on land in accordance with the plan. Such an action plan shall provide for thirty per cent of the fly ash utilisation, within three years from the publication of this notification with further increase in utilisation by at least ten per cent points every year progressively for the next six years to enable*

utilisation of the entire fly ash generated in the power plant at least by the end of ninth year. Progress in this regard shall be reviewed after five years.....

3. Specifications for use of ash-based products.

(1) Manufacture of ash-based products such as cement, concrete blocks, bricks, panels or any other material or the use of ash in construction activity such as in road laying, embankments or use as landfill to reclaim low lying areas including back filling in abandoned mines or pitheads or for any other use shall be carried out in accordance with specifications and guidelines laid down by the Bureau of Indian Standards, Indian Bureau of Mines, Indian Road Congress, Central Building Research institute, Roorkee, Central Road Research Institute, New Delhi, Building Materials and Technology Promotion Council, New Delhi, Central Public Works Department, State Public Works Departments and other Central and State Government agencies....”

[Emphasis Supplied]

- (b) The 2009 Notifications which brought the following amendments in the 1999 Notifications :-

*“(1A) Every construction agency engaged - **the constructing of buildings within a radius of hundred kilometers from a coal or lignite based thermal power plant shall use only fly ash based products for construction, such as: cement or concrete, fly ash bricks or block or tiles or clay fly ash bricks, blocks or tiles or cement fly ash bricks or similar products or a combination or aggregate of them, in every construction project products or a combination or aggregate of them, in every construction project.**”*

[Emphasis Supplied]

- (c) The 2021 Notifications also mandates a TPP to safely dispose of Fly Ash, the relevant clause is reproduced hereinbelow:-

“A. Responsibilities of thermal power plants to dispose fly ash and bottom ash.-

(1) Every coal or lignite based thermal power plant (including captive or co-generating stations or both) shall be primarily responsible to ensure 100 per cent utilisation of ash (fly ash, and bottom ash) generated by it in an eco-friendly manner as given in sub-paragraph (2);

(2) The ash generated from coal or lignite based thermal

power plants shall be utilised only for the following eco-friendly purposes, namely:-

(i) Fly ash based products viz. bricks, blocks, tiles, fibre cement sheets, pipes, boards, panels;

(ii) Cement manufacturing , ready mix concrete;

.....”

[Emphasis Supplied]

True copies of the Fly Ash Notifications are annexed here with and marked as **ANNEXURE R4/8 (Colly.)**.

11.2. A bare perusal of the Fly Ash Notifications makes it categorically clear that PPGCL being a TPP is bound to follow the statutory directives *qua* the safe disposal of Fly Ash. While on one hand, PPGCL is bound to follow the directives issued by the MoEF&CC, however on the other hand it is also under a bounden obligation to ensure that the conveyance / transportation/ disposal of Fly Ash does not cause any air/ water pollution in the vicinity of the plant in any manner whatsoever in this regard, PPGCL has taken following steps:-

- (a) Primarily, PPGCL is utilising the Fly Ash for the purposes of cement and brick manufacturing which is undertaken by other cement and brick manufacturing companies.
- (b) The ash handling plant established by PPGCL is collecting Fly Ash from the ESP Hoppers and is conveyed to Silos through pipe conveying system.
- (c) Bottom Ash, which is discharged from the plant is also conveyed to the ash pond in the form of slurry, because of which ash lying in the ash pond has moisture content and does not become air borne. Further, the ash collected in the pond are being utilised in road

construction and reclamation of low lying areas.

- (d) During dry season, PPGCL has made additional arrangements to ensure that water flows in the ash pond through the slurry discharge line so that the area remains moist.
- (e) PPGCL also ensures that transportation of Fly Ash to Respondent No. 5 is carried out in a controlled and cautious manner. Further, for the purpose of carrying out the said purpose, PPGCL has long term tie ups with Respondent No. 5 and other cement manufacturing companies/traders which utilise Fly Ash.
- (f) Moreover, PPGCL also undertake the safe disposal of Fly Ash by conveying the same through railway wagons and is being utilised for the purposes of road construction.
- (g) PPGCL has installed an effluent treatment plant to treat the process waste water. The waste water generated from process is collected, treated in effluent treatment plant and is reused back in the process. Hence, PPGCL ensures two things, firstly that waste water is not freely discharged, rather it is treated and reused; secondly, the consumption of fresh water is reduced in the process.
- (h) PPGCL has also established a brick unit which has been handed over to NGO for the purposes of manufacturing of brick and paver block, through utilisation of Fly Ash.

Re. Compliance of the Ash Utilisation Policy issued by PPGCL:-

- 12. In view of the various MoEF&CC Notifications and to achieve hundred percent (100%) of Fly Ash utilisation, PPGCL had issued a circular titled

“Ash Utilisation Policy” dated 01.04.2022 (**“PPGCL Policy”**) which PPGCL has been unequivocally endorsing while undertaking any project activity. The same is also evident from the supply of the Fly Ash to Respondent No. 5 by PPGCL for its safe disposal.

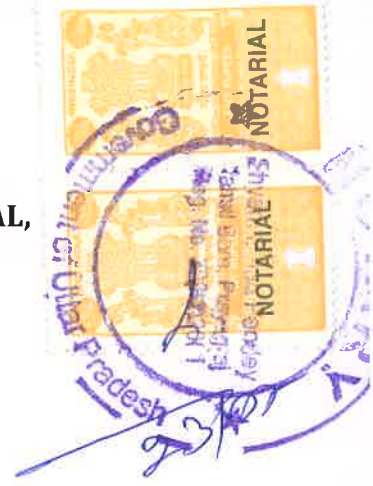
- 12.1. In the present case, PPGCL has followed the said Policy in letter and spirit and accordingly has been supplying the Fly Ash to the Respondent No. 5 as stated above for safe disposal of Fly Ash. A true copy of the PPGCL Policy dated 01.04.2022 is annexed here with and marked as **ANNEXURE R4/9**.
13. Therefore, in the light of the facts and circumstances stated above, it is most respectfully prayed that this Hon’ble Tribunal may be pleased to dispose the present OA *qua* PPGCL.

FILED BY

SKV LAW OFFICES
Advocates for Respondent No.4
B-50, Defence Colony,
New Delhi-110024
Phone: 011-47099999
Email: lawyers@skvlawoffices.com

Place: New Delhi
Date: 30.03.2023

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH AT NEW DELHI
ORIGINAL APPLICATION NO. 617 OF 2022**



IN THE MATTER OF :-

Pushpender

... Applicant

Versus

State of U.P & Ors

... Respondents

AFFIDAVIT

I, Ashok Kumar Panda, aged about 56 years, son of Nrushigha Chandra Panda, resident of C2/1, Prayag Vihar, PPGCL, PO - Lohgara, Tehsil - Bara, Pin - 212107, Authorised Representative of Respondent No. 4 i.e. M/s Prayagraj Power Generation Company Ltd (**Respondent No. 4/ PPGCL**, having its office at PO - Lohgara, Tehsil - Bara, Pin - 212107, do hereby solemnly affirm, declare and state on oath as under:-

1. I am duly Authorised Representative of Respondent No. 4 Company in the instant Original Application and as such I am well conversant with the facts and circumstances of the present case, based on the information and knowledge as derived from the records maintained by the Respondent No. 4 in its ordinary course of business.
2. That I have read the accompanying Reply and I say that the same has been drafted under my instructions, and that the contents therein are true and correct to the best of my knowledge and belief.



A2



- 3. That the Annexures filed along with the accompanying Reply are true copies of their respective originals.
- 4. That the facts stated above in the above affidavit are true and correct to the best of my knowledge. No part of the same is false and nothing material has been concealed therefrom.



Handwritten signature
DEPONENT

VERIFICATION

I, the deponent above named do hereby verify that the contents of this affidavit are true and correct to the best of my knowledge and belief, no part of it is false and nothing material has been concealed therefrom.

Verified at Prayagraj on this 23rd day of March, 2023.

Handwritten signature
DEPONENT

Handwritten signature: Adok Kan Pandey
 by the _____ Clerk
 Advocate
 in date 22/3/2023
 compound of the _____ Allahabad.
 Accept and verify that the Content
 of this affidavit is true and correct.

HYAM BIHARI PANDIT
 Notary
 Of Uttar Pradesh



Handwritten signature and date: 23/3/2023

Ref: PPGCL/ENV/FY23/352

Date:21.02.2023

To,
Chief Environmental Officer
Circle-2, Uttar Pradesh Pollution Control Board
T.C.-12 V, Vibhuti Khand
Lucknow, Uttar Pradesh

Sub: Reply to the letter no. 888222/C-2/NGT No-295/23, dated: 9.02.2023 for M/s Prayagraj Power Generation Company Ltd.

Ref No.: NGT OA-617/2022, Pushendra Vs. State of Uttar Pradesh

Dear Sir,

With reference to the above mentioned letter from your good office dated 09.02.2023 received at our office on 15.02.2023. Please find enclosed point wise reply.

This is for your kind information and record please.

Thanking You,

Sincerely,

For, Prayagraj Power Generation Company Ltd.,



S H Pandey

Chief Operation & Maintenance (Services)

Encl: Annexures-1 to 3.

Cc: Regional Office

Jhusi, Prayagraj, UPPCB



TRUE COPY

Prayagraj Power Generation Company Limited

Registered Office : Shatabdi Bhawan, B 12 & 13, Sector 4, Gautam Budh Nagar, Noida, Uttar Pradesh - 201301
Phone: + 91-120-6102000/6102208 CIN: U40101UP2007PLC032835

Plant Address : P.O. - Lohgara, Tehsil - Bara, Prayagraj (Allahabad), Uttar Pradesh - 212107
Phone: + 91-7525006400/ 8528846666, Web:-ppgcl.co.in, Email:-ppgcl@ppgcl.co.in

- 1- Ash handling plant/ash dyke of M/s PPGCL has high potential of air pollution particularly in dry season, required to be appropriately managed to reduce the Air pollution as per the notifications made in this regard.**

Reply: Ash handling plant of PPGCL is collecting fly ash from the ESP hoppers and is conveyed to silos through pipe conveying system. Bottom ash is conveyed to ash pond in the slurry form because of which ash lying in ash pond has moisture content and does not become air borne. During dry season, we additionally allow water to flow in the ash pond through slurry discharge line to keep the area moist.

- 2- Dust separation system and Dust extraction system should be deployed appropriate within the plant (particularly ash handling, coal handling plant) to avoid Air pollution dispersion in the surrounding area.**

Reply: We have installed bag filters at material transfer points in coal and ash handling plant area. Dust separation system like fogging system in wagon tippler and rain guns have been installed in coal handling area has been installed. Pictures of the Dust separation and Dust extraction system is attached as Annexure-1

- 3- M/s PPGCL should maintain their road conditions vehicle etc. to reduce the line source of air pollution in and around the unit.**

Reply: PPGCL has constructed pucca road inside the plant premises. We also have deployed water tanker to sprinkle water on roads and in the ash pond bund to prevent any fugitive dust emission. Picture of the road and water sprinkling tanker is attached as Annexure-2

- 4- Still scope of the enhancement of green belt near the boundary wall of village persist, therefore project proponent required increase the width of green belt aligned to their boundary wall.**

Reply: PPGCL has planted 3,34,060 saplings till September'22 for the green belt development. Approximately 20,520 saplings were planted during monsoon season of FY 23. We will plant saplings during coming monsoon to increase green belt area. Picture of the green belt is attached as Annexure-3

- 5- M/s PPGCL has installed 500 KLD RO plant under corporate social responsibility (CSR) in Berui village for supply of drinking water. During visit of RO plant found non-operational, M/s PPGCL should ensure proper functioning and maintenance of RO plant installed by them for supply of drinking water as no piped water supply made for the villager.**

Reply: PPGCL has installed RO plant and handed over to Gram Panchayat for its operation. The issue identified is of lower voltage supply. We have requested Tehsil office to look into the matter and arrange to change the transformer to get proper voltage so that continuous operation could be ensured.



Fig.1: Bag Filters



Fig.2: Water fogging system at wagon tippler.



Fig 3: Road to JNT-2

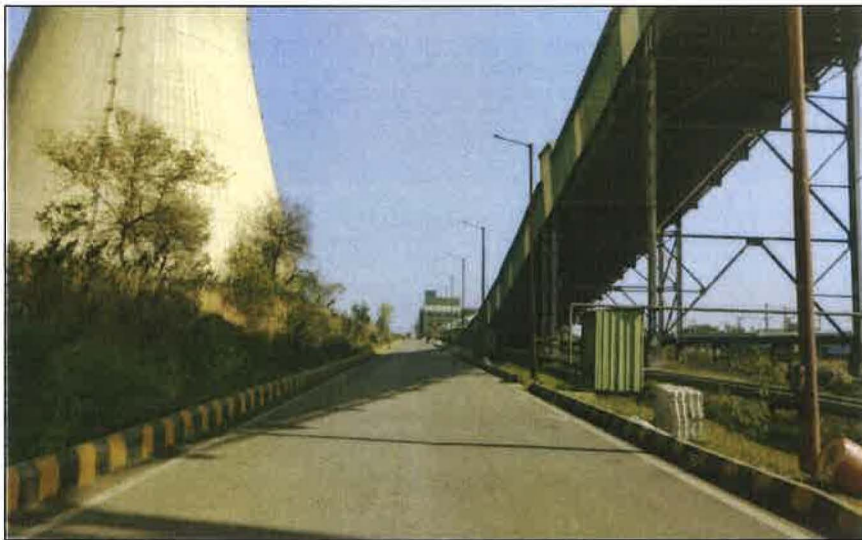


Fig 4: Road to CHP



Fig 5: Township road



Fig 6: Fire Station to Service Building road



Fig 7: Service Building to JNT-2



Fig 8: Water Sprinkling at Ash pond bund

Annexure 48 (Green Belt)



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

TRUE COPY

ANNEXURE-R4/2



Bag Filters



Water fogging system at wagon tippler.

TRUE COPY

ANNEXURE-R4/3



Road to JNT-2



Road to CHP

TRUE COPY



Township road



Fire Station to Service Building road



Service Building to JNT-2

A handwritten signature in blue ink, consisting of stylized, cursive letters.

TRUE COPY

ANNEXURE-R4/4



Water Sprinkling at Ash pond bund

TRUE COPY

ANNEXURE-R4/5



TRUE COPY



Green Plantation

TRUE COPY

56
ANNEXURE-R4/6

सेवा में,

दिनांक.. 30/6/2021

श्रीमान् ग्राम पंचायत/ग्राम प्रधान..... कपारी

ग्राम- बैरुड जनपद-प्रयागराज ।

महोदय,

आज दिनांक.. 30/6/2021 को प्रयागराज पावर जनरेशन कम्पनी लिमिटेड बारा द्वारा अपने जनहित कार्यक्रम के अन्तर्गत आपके ग्राम..... बैरुड में शुद्ध पेय जल कि उपलब्धता हेतु लगाये गये पानी शुद्धिकरण यंत्र (प्राथमिक विद्यालय के पास स्थित तालाब के बगल में) जिसकी क्षमता 500 LPH/RO है को आपकी पंचायत के अधीन पूर्णतः सुपूर्द किया जा रहा है । पानी शुद्धिकरण यंत्र का रखरखाव, ऑपरेटर की नियुक्ति, विद्युत बिल का भुगतान, देय पेय जल की मात्रा व अन्य सम्बन्धित निर्णय आप व आप की पंचायत के अधीन रहेंगे साथ ही हमें आशा है कि उपरोक्त यंत्र का उपयोग ग्राम पंचायत द्वारा ग्रामीण जनों की समान रूप से पेय जल की उपलब्धता हेतु किया जायेगा व किसी प्रकार का दुरुपयोग नहीं होगा ।

उपरोक्त सम्बन्ध में पूर्व प्रधान द्वारा सत्यापित कम्पनी सुझावों व शर्तों कि प्रति आपको सौंपी जा रही है जिसके अनुसार यंत्र कि स्थापना आपके पंचायत में की गयी थी ।

अतः निवेदन है कि उपरोक्त सुझावों व आपकों देय पूर्व शर्तों के साथ आप अपने पंचायत के अधीन यंत्र का संचालन सुचारु रूप से सुनिश्चित करे । कार्यकाल पूर्ण होने के उपरान्त नई गठित पंचायत को इसी स्वरुप व शर्तों में आप की पंचायत द्वारा हस्थानान्तरित होते रहेंगे ।

धन्यवाद

आटोमैटिक मशीन संचालन हेतु सौंपे जाने वाले सामान का विवरण

क्रमांक

दिनांक

विवरण

1 -

30/6/2021

1 - मास्टर कार्ड

50 - नार्मल कार्ड

250 - रत्न कार्ड (होस्टल - 300 कार्ड)

ग्राम पंचायत / प्रधान

पी0पी0जी0सी0एल0
बारा, प्रयागराज



TRUE COPY

To

The Village Panchayat/Gram Pradhan
Kayari, Village Berui, Distt Prayagraj

Sir,

Today on 30.6.2021, Prayagraj Power Generation Company Ltd Bara is handing over Water Purification Plant (Near Primary school locate near Pond) under your village Bekai whose capacity is 500 LPH/RO. The maintenance of water purification plant, appointment of operator, payment of electricity bills, quantity of water to be supplied and other decisions shall be taken by you and your Panchayat. We hope that above plant shall be used by Gram Panchayat to Rural persons for providing drinking water and shall not be misused.

In this connection, Ex- Pradhan is handing over the verified copy of suggestions and condition to you in accordance to which the plant was installed in your village.

Hence, it is requested to please ensure the smooth operation of the plant under your Panchayat. After the expiry of tenure, newly formed Panchayat shall be handed over with same conditions by you.

Thanks

Details of accessories being handed over for automatic machine are :

No. : 1 Date : 30.6.2021

Details :

1 Master card
50 Normal card
250 Plain Car
(Total 300 cards)

VILLAGE PANCHAYAT / PRADHAN



TRUE COPY

Sd/-
P.P.G.C.L.
BARA, PRAYAGRAJ

PPGCL/FY23/344

दिनांक - 11.02.2023

सेवा में,
श्रीमान् उपजिलाधिकारी,
बारा, प्रयागराज।

विषय - ग्राम खानसेमरा (मिश्रपुर) एवं बेरुई में जल शुद्धिकरण यंत्र (RO) के सुचारु संचालन हेतु विद्युत ट्रान्सफार्मर बदलवाने के सम्बन्ध में।

महोदय,

आपको अवगत कराना चाहते हैं कि प्रयागराज पावर जेनरेशन कम्पनी लिमिटेड, बारा द्वारा जनहित योजनाओं (CSR) के अन्तर्गत ग्रामीण जनों को शुद्ध पेय जल की सुगम उपलब्धता हेतु ग्राम कपारी में-02, खानसेमरा (मिश्रपुर) में-01, बेरुई में-01, जोरवट में-02 एवं बेमरा में-01 कुल -07 जल शुद्धिकरण यंत्र की स्थापना करायी गयी है। ग्राम खानसेमरा (मिश्रपुर) एवं बेरुई में कम बोल्टेज रहने के कारण जल शुद्धिकरण यंत्र का संचालन नहीं हो पा रहा है जिससे ग्रामीण जनों को शुद्ध पानी नहीं मिल पा रहा है।

अतः श्रीमान् जी से विनम्र निवेदन है कि उक्त ग्राम में विद्युत ट्रान्सफार्मर बदलवाने की कृपा करें जिससे जल शुद्धिकरण यंत्र का संचालन सुचारु रूप से कराया जा सके एवं ग्रामीण जनों को शुद्ध पेय जल उपलब्ध कराया जा सके।

भवदीय

सुभाष चन्द्र पाण्डेय
चीफ ओ एण्ड एम सर्विसेज
पीपीजीसीएल, बारा,
प्रयागराज।

TRUE COPY

Prayagraj Power Generation Company Limited

Registered Office : Shatabdi Bhawan, B 12 & 13, Sector 4, Gautam Budh Nagar, Noida, Uttar Pradesh - 201301
Phone: + 91-120-6102000/6102208 CIN: U40101UP2007PLC032835

Plant Address : P.O. - Lohgara, Tehsil - Bara, Prayagraj (Allahabad), Uttar Pradesh - 212107
Phone: + 91-7525006400/ 8528846666, Web:-ppgcl.co.in, Email:-ppgcl@ppgcl.co.in

PRAYAGRAJ POWER GENERATION COMPANY LTD.
Regd Office : Shatabdi Bhawan B 22 and 13
Sector 4, Gautam Budh Nagar, Noida UP – 201 301
Phone : 91-120-6102000/6102208 PO Lohgara, Tehsil Bara
Prayagraj (Allahabad), UP – 212 107

No. PPGCL/ FY 23/ 344

Date : 11.2.2023

To

The Sub Divisional Magistrate
Bara, Prayagraj

Sub: **Regarding replacement of electricity transformer for smooth running of R.O. in Village Khansemra (Mishrapur) and Besai.**

Sir,

We would like to apprise you that Prayagraj Power Generation Company Ltd. has set up water purification plant under its Public interest schemes (CSR) for supplying pure drinking water to villagers in village Kapari -02 Khansemra (Mishrapur) -01, Besai -01, Jorwat -02 and Begara -01 total 07 Waer purifying plants. In village Khansemra (Mishrapur) and Besai, due to low voltage, water purification plant is not working due to which villagers are not getting pure water.

Hence, it is humbly requested that electricity transformer be changed in the village so that Water Purification Plant can work smoothly and water can be supplied to villagers.

Sincerely,

Sd/-

(SUBHASH CHAND PANDEY)

Chief O & M Services,
PPGCL Bara, Prayagraj



TRUECOPY

THE GAZETTE OF INDIA
EXTRAORDINARY

PART II -- Section 3 -- Sub-section (ii)

MINISTRY OF ENVIRONMENT AND FORESTS
NOTIFICATION

New Delhi, the 14th September, 1999

8.0.763(E).- Whereas a draft notification containing certain directions was published, as required by subrule (3) of rule 5 of the Environment (Protection) Rules, 1986 under the notification of the Government of India in the Ministry of Environment and Forests number S.O. 453(E) dated 22nd May, 1998 inviting objections and suggestions from all persons likely to be affected thereby, before the expiry of the period of sixty days from the date on which the copies of the Gazette of India containing the said notification are made available to the public;

And, whereas, copies of the said Gazette were made available to the public on the same date;

And, whereas, the objections and suggestions received from the public in respect of the said draft notification have been duly considered by the Central Government;

Where as it is necessary to protect the environment, conserve top soil and prevent the dumping and disposal of fly ash discharged from coal or lignite based thermal power plants on land;

And, whereas, there is a need for restricting the excavation of top soil for manufacture of bricks and promoting the utilisation of fly ash in the manufacture of building materials and in construction activity within a specified radius of fifty kilometers from coal or lignite based thermal power plants;

And, Whereas, the Hon'ble High Court of Judicature, Delhi vide its order dated 25th August, 1999 in CWP No. 2145/99 Centre for Public Interest Litigation, Delhi v/s Union of India directed that the Central Government to publish the final notification in respect of fly ash on or before 26th October, 1999;

Now, therefore, in exercise of the powers conferred by sub-section (1), read with clause (v) of sub-section (2) of section 3 and section 5 of the Environment (Protection) Act, 1986 (29 of 1986); and in pursuance of the orders of the Hon'ble High Court, Delhi stated above, the Central Government hereby issues the following directions which shall come into force on the date of the publication of this notification, namely:-

- 1. Use of fly ash, bottom ash or pond ash in the manufacture of bricks and other construction activities.**
 - (1) No person shall within a radius of fifty kilometers from coal or lignite based thermal power plants, manufacture clay bricks or tiles or blocks for use in construction activities without mixing at least 25 per cent of ash (fly ash, bottom ash or pond ash) with soil on weight to weight basis. '
 - (2) The authority for ensuring the use of specified quantity of ash as per para (1) above shall be the concerned Regional Officer of the State Pollution Control Board or the Pollution Control Committee as the case may be. In case of non-compliance, the said authority, in addition to cancellation of consent order issued to establish the brick kiln, shall move the district administration for cancellation of mining lease. The cancellation of mining lease shall be decided after due hearing. To enable the said authority to verify the actual use of ash, the thermal power plant shall maintain month-wise records of ash made available to each brick kiln.
 - (3) In case of non-availability of ash from thermal power plant in sufficient quantities as certified by the said power plant, the stipulation under para (1) shall be suitably modified (waived/ relaxed) by the concerned State/Union Territory Government.
 - (4) Each coal or lignite based thermal power plant shall constitute a dispute settlement committee which shall include the General Manager of the thermal power plant and a representative of All



TRUE COPY

India Brick and Tile Manufacturer's Federation (AIBTMF). Such a committee shall ensure unhindered loading and transport of ash without any undue loss of time. Any unresolved dispute shall be dealt with by a State/Union Territory level committee to be set up by State/Union Territory Government comprising Member Secretary of the State Pollution Control Board/Pollution Control Committee, representatives of Ministry of Power in the State/Union Territory Government and a representative of AIBTMF.

2. Utilisation of ash by Thermal Power Plants.

All coal or lignite based thermal power plants shall utilise the ash generated in the power plants as follows:

- (1) Every coal or lignite based thermal power plant shall make available ash, for at least ten years from the date of publication of this notification, without any payment or any other consideration, for the purpose of manufacturing ash-based products such as cement, concrete blocks, bricks, panels or any other material or for construction of roads, embankments, dams, dykes or for any other construction activity.
- (2) Every coal or lignite based thermal power plant commissioned subject to environmental clearance conditions stipulating the submission of an action plan for full utilisation of fly ash shall, within a period of nine years from the publication of this notification, phase out the dumping and disposal of fly ash on land in accordance with the plan. Such an action plan shall provide for thirty per cent of the fly ash utilisation, within three years from the publication of this notification with further increase in utilisation by atleast ten per cent points every year progressively for the next six years to enable utilisation of the entire fly ash generated in the power plant atleast by the end of ninth year. Progress in this regard shall be reviewed after five years.
- (3) Every coal or lignite based thermal power plant not covered by para (2) above shall, within a period of fifteen years from the date of publication of this notification, phase out the utilisation of fly ash in accordance with an action plan to be drawn up by the power plants. Such action plan shall provide for twenty per cent of fly ash utilisation within three years from the date of publication of this notification, with further increase in utilisation every year progressively for the next twelve years to enable utilisation of the entire fly ash generated in the power plant.
- (4) All action plans prepared by coal or lignite based thermal power plants in accordance with sub-para (2) and (3) of para 2 of this notification, shall be submitted to the Central Pollution Control Board/Committee and concerned, State Pollution Control Board/Committee and concerned regional office of the Ministry of Environment and Forests within a period of six months from the date of publication of this notification.
- (5) The Central and State Government Agencies, the State Electricity Boards, the National Thermal Power Corporation and the management of the thermal power plants shall facilitate in making available land, electricity and water for manufacturing activities and provide access to the ash lifting area for promoting and setting up of ash-based production units in the proximity of the area where ash is generated by the power plant.
- (6) Annual implementation report providing information about the compliance of provisions in this notification shall be submitted by the 30th day of April every year to the Central Pollution Control Board, concerned State Pollution Control Board/Committee and the concerned Regional Office of the Ministry of Environment and Forests by the coal or lignite based thermal power plants.

3. Specifications for use of ash-based products.

- (1) Manufacture of ash-based products such as cement, concrete blocks, bricks, panels or any other material or the use of ash in construction activity such as in road laying, embankments or use as landfill to reclaim low lying areas including back filling in abandoned mines or pitheads or for any other use shall be carried out in accordance with specifications and guidelines laid down by the Bureau of Indian Standards, Indian Bureau of Mines, Indian Road Congress, Central Building Research Institute, Roorkee, Central Road Research Institute, New Delhi, Building Materials and Technology Promotion Council, New Delhi, Central Public Works Department, State Public Works Departments and other Central and State Government agencies.

62

- (2) The Central Public Works Department, Public Works Departments in the State/Union Territory Governments, Development Authorities, Housing Boards, National Highway Authority of India and other construction agencies including those in the private sector shall also prescribe the use of ash and ash-based products in their respective schedules of specifications and construction applications, including appropriate standards and codes of practice, within a period of four months from the publication of this notification.
- (3) All local authorities shall specify in their respective building bye-laws and regulations the use of ash and ash-based products and construction techniques in building materials, roads, embankments or for any other use within a period of four months from the date of publication of this notification.

**[F. No. 16-2/95-HSMD]
V RAJAGOPALAN, Jt.. Secy.**

THE GAZETTE OF INDIA EXTRAORDINARY (PART -II SEC. 3

MINISTRY OF ENVIRONMENT AND FORESTS

NOTIFICATION

New Delhi, the 3rd November, 2009

S.O. 2804(E).-WHERE AS, by notification of the Government of India in the Ministry of Environment and Forests number S.O. 763(E), dated the 14th September, 1999 (hereafter referred to as the said notification) issued under sub section (1), clause (v) of sub- section (2) of section 3 and section 5 of the Environment (Protection) Act, 1986 (29 of 1986), the Central Government, issued directions for restricting the excavation of top soil for manufacture of bricks and promoting the utilisation of fly ash in the manufacture of building materials and in construction activity within a specified radius of one hundred kilometers from coal or lignite based thermal power plants;

AND WHEREAS, the term "fly ash" means and includes all categories or groups of coal or lignite ash generated at the thermal power plant and collected by Electrostatic Precipitator (ESP) or bag filters or other similar suitable equipments; bottom ash is the ash collected separately at the bottom of the boiler; pond ash is the mixture of ESP Fly ash and

bottom ash, but, for the purpose of this notification, the term "fly ash, means and includes all ash generated such as Electrostatic Precipitator (ESP) ash, dry fly ash, bottom ash, pond ash and mound ash as the objective is to utilise all the ashes;

AND WHEREAS, there is a need for restricting the excavation of top soil for manufacture of bricks and for other works which involve use of top soil and promoting utilisation of fly ash produced by coal or lignite based thermal power plants including captive power plants and co-generation plants in the manufacture of building materials and construction activity;

AND WHEREAS, it was observed that there was a gradual increase in the use of fly ash in the manufacture of fly ash bricks or products from about 1.5 million tonne in 2002-2003 to 3.19 million tonne in 2006-2007 which needs to be further encouraged for achieving the ultimate objective of conservation of top soil and minimise environmental pollution caused due to fly ash;

AND WHEREAS, it is observed that construction agencies are yet to achieve their targets of utilization of fly ash based products even after the 31st August, 2007, the date prescribed for 100% utilisation of fly ash

based products in the said notification of 1999 and it is also observed that many thermal power stations or plants are also yet to achieve the targets drawn up in their action plans;

AND WHEREAS, the representations of the brick kiln owners were considered with regard to transporting of fly ash over a long distance and also the logistics involved including the energy cost;

AND, WHEREAS, the issue has been examined by the Government of India in the Ministry of Environment and Forests;

AND WHEREAS, the Central Government is of the opinion that the said notification should be amended;

AND WHEREAS, clause (a) of sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986 provides that whenever the Central Government considers that prohibition or restrictions of any industry or carrying on any processes or operation in any area should be imposed, it shall give notice of its intention to do so;

AND WHEREAS, a draft of amendment to the Government of India, Ministry of Environment and Forests notification no. S.O.763 (E), dated the 14th September, 1999 duly amended vide notification No. S.O. 979

(E), dated the 27th August, 2003 (hereinafter referred to as the said notification) which the Central Government Proposes to make under subsection (i) clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986) read with clause (d) of sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986, were published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii) dated the 6th November, 2008 Vide S.O. 2623 (E), inviting objections and suggestions from all persons likely to be affected thereby before the expiry of sixty days from the date on which copies of the Gazette containing the said draft amendments were made available to the public.

AND WHEREAS, copies of the said Gazette were made available to the public on the day of 6th November 2008;

AND WHEREAS, the objections and suggestions received from various persons or agencies likely to be affected thereby in respect of the said draft notification have been duly considered by the Central Government in the Ministry of Environment and Forests;

Now, therefore, in exercise of the powers conferred by sub-section (1) and clause (v) of sub- section (2) of section 3 of the Environment

(Protection) Act, 1986 (29 of 1986) read with clause (d) of sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986, the Central Government hereby makes the following amendments to the said notification, namely: -

AMENDMENTS

1. Throughout the said notification, save as otherwise expressly provided and unless the context otherwise requires, for the word "ash" wherever it occurs, the words "fly ash" shall be substituted.
2. In the said notification, in paragraph 1,-
 - (a) for sub-paragraph (1), the following shall be substituted, namely:-

"(i) use of fly ash based products in construction activities";
 - (b) for sub-paragraphs (1A) and (1B), the following sub-paragraphs shall respectively be substituted, namely:-

"(1.A) Every construction agency engaged - the constructing of buildings within a radius of hundred kilometers from a coal or lignite based thermal power plant shall use only fly ash based products for construction, such as: cement or concrete, fly ash bricks or block or tiles or clay fly ash bricks, blocks or tiles or cement fly ash bricks or similar

products or a combination or aggregate of them, in every construction project.

(1B)The provisions of sub-paragraph (1A) shall be applicable to all construction agencies of Central or State or Local Government and private or public sector and it shall be the responsibility of the agencies either undertaking construction or approving the design or both to ensure compliance of the provisions of subparagraph (1A) and to submit annual returns to the concerned State Pollution Control Board or Pollution Control Committee, as applicable";.

(c) after sub-paragraph (1B), the following sub-paragraph shall be inserted, namely:.

(1C) Minimum fly ash content for building materials or products to qualify as "fly ash based products" category shall be as given in the Table I below:

Table I

Serial Number	Building Materials or Products	Minimum % of fly ash by weight
1.	Fly ash bricks, blocks, tiles, etc. Made with fly ash, line, gypsum,	50% of total input materials

	sand, stone dust etc. (without day.	
2.	Paving blocks, paving tiles, checker tiles, mosaic tiles, roofing sheets, pre-cast elements, etc. Wherein cement is used as binder.	Usage of PPC (IS - 1489; Part -1) or PSC (IS-455) or 15% of OPC (IS-269/8112/11269
3.	Cement.	15% of total raw materials
4.	Clay based building materials such as bricks, blocks, tiles, etc.	15% of total raw materials
5.	Concrete, mortar and plaster.	Usage of PPC (IS-1489:Part-1) or PSC (IS-455) or 15% of OPC (IS-269/8112/12269) content.

- (d) in sub-paragraph (2), for the brackets and number "(1)", the brackets, number and letter "(1C)" shall be substituted and the number of sub-paragraph (2) shall be substituted by 1(D);
- (e) in paragraph (2A), the paragraph 1(A) shall be substituted by 1 (A) and 1 (B) and the amended paragraph 2(A) is to be numbered as 1 (E);

(f) for sub-paragraphs (3) and (3A), the following sub-paragraphs shall respectively be substituted, namely -

"(3) In case of non-availability of fly ash from thermal power plants in sufficient quantities as certified by the said power plants, within 100 km of the site, the stipulation under sub-paragraph (1A) shall be suitably modified (waived or relaxed) by the concerned State Government or Union territory Government level monitoring committee mentioned elsewhere in this nonfiction.

(3A) A decision on the application for Manufacture of fly ash bricks, blocks and tiles and similar other fly ash based products shall be taken Within thirty day from the date of receipt of the application by the concerned State Pollution Control Board or Pollution Control Committee";.

(g) sub-paragraphs (3B), (3C) and (3D) shall be omitted;.

(h) for sub-paragraphs (4) and (5), the following sub-paragraphs shall be substituted, name.

"(4) Each coal or lignite based thermal power plant shall constitute a dispute settlement committee which shall include the General manager of the thermal power plant and a representative of relevant construction and fly ash Brick Manufacturing

Industry Association or Body, as the case may be and such a committee shall ensure unhindered loading at transport of fly ash in an environmentally sound manner without any undue loss of time. At Unresolved dispute shall be dealt be dealt with by the concerned state or Union territory Government level monitoring committee mentioned elsewhere in this notification.

(5) No agency, person or organization shall, within a radius of hundred kilometers of a thermal power plant undertake construction or approve design for construction of roads or flyover embankments with top soil; the guidelines or specifications issued by the Indian Road Congress (JRC) as contained in IRC specification No. SP: 58 of 2001 as amended from time to time, regarding use of fly ash shall be followed and any deviation from this direction can only be agreed to on technical reasons if the same is approved by Chief Engineer (Design) or Engineer -in-Chief of the concerned agency or organisation or on production of a certificate of "fly ash not available" from the thermal power plant(s) (TPPs) located within hundred kilometers of the site of construction and this certificate shall be provided by the TPP within two working days from the date of receipt of a request for fly ash, if fly ash is not available";

(i) in sub-paragraph (6), for the words "Voids created due to soil borrow area shall be filled up with ash with proper compaction and covered with topsoil kept separately as above and this would be done as an integral part of embankment project within the time schedule of the project", the words "Voids created at soil borrow area shall be filled up with fly ash with proper compaction and covered with topsoil kept separately as above and this would be done as an integral part of embankment project" shall be substituted;

(j) for sub paragraph (7), the following sub-paragraphs shall be substituted, namely:-

"(7) No agency, person or organisation shall within a radius of hundred kilometers of a coal or lignite based thermal power plant undertaking or approve or allow reclamation and; compaction of low-lying areas with soil; only fly ash shall be used for compaction and reclamation and they shall also ensure that such reclamation and compaction is done in accordance with the specifications and guideline laid down by the authorities mentioned sub-paragraph (1) of paragraph 3.

(8)(i) No person or agency shall within fifty kilometers (by road) – from coal or lignite based thermal power plants, undertake or approve

stowing of mine without using at least 25% of fly ash on weight to weight basis, of the total stowing materials used and this shall be done under the guidance of the Director General of Mines Safety (DGMS);

Provided that such thermal power stations shall facilitate the availability of required quality and quantity of fly ash as may be decided by the expert committee referred in sub- paragraph (10) for this purpose.

(ii) No person or agency shall within fifty kilometers (by road) from coal or' lignite based thermal power plants, undertake or approve without using at least 25% of fly ash on volume to volume basis of the to total materials used for external dump of overburden and same percentage in upper benches of back filling of opencast mines and this shall be done under the guidance of the Director General of Mines Safety (DGMS);

Provided that such thermal power stations shall facilitate the availability of required quality and quantity of fly ash as may be decided by the expert committee referred in sub- paragraph (10) for this purpose.

(9) The provisions contained in clauses (i) and (ii) of sub-paragraph (8) shall be applicable to all mine agencies under Government, public .and private sector and to mines of all minerals or metals or items and it

shall be the responsibility of agencies either undertaking or approving the external dump of overburden, backfilling or stowing of mine or all these activities to ensure compliance of provisions contained in clauses (1) and (II) of sub-paragraph (8) and to submit annual returns to the concerned state Pollution Control Board or Pollution Control Committee as applicable.

10. The Ministry of Coal for this purpose shall constitute an expert committee comprising of representatives from Fly Ash Unit, Department of Science and Technology Ministry of Science and Technology, Director General of Mines Safety (DGMS), Central Mine Planning and Design Institute Limited (CMPDIL}, Ministry of Environment and Forests, Ministry of Power, Ministry of Mines and the Central Institute of Mining and Fuel Research (CIMFR), Dhanbad; the Committee shall also guide and advise the back filling or stowing in accordance with provisions contained in-sub-paragraphs (8) (i), 8 (ii and (9), and specifications and guidelines laid down by the concerned authorities as mentioned in sub-paragraph (1) of paragraph 3.

(11) The concerned State Government or Union territory Government shall be the enforcing and monitoring authority for ensuring compliance of the provisions of sub-paragraphs (8) (i) and (8) (ii)";

{a) for sub-paragraphs (1), (2) and (3), the following sub-paragraphs shall be substituted namely:

(1) all coal or lignite based thermal power stations would be free to sell fly ash to the user agencies subject to the following conditions, namely:-

- (i) the pond ash 'should be made available free of any charge on "as is where is basis" to manufacturers of bricks, blocks or tiles including clay fly ash product manufacturing unit(s), farmers, the Central and the State road construction agencies, Public Works Department, and to agencies engaged in backfilling or stowing of mines.
- (ii) at least 20% of dry ESP fly ash shall be made available free of charge to units manufacturing fly ash or clay-fly -ash bricks, blocks and tiles on a priority basis over other users and if the demand from such agencies fails short of 20% of quantity, the balance quantity can be sold or disposed of by power station as may be possible;

Provided that the fly ash obtained from the thermal power station should be utilized only for the purpose for which it was obtained

from. Thermal power station or plant failing which no fly ash shall be made available to the defaulting users.

- (2) All coal and, or lignite based thermal expansion units in operation before the date of this notification are to achieve the target of fly ash shall be made available to the defaulting users.

Serial Number	Percentage Utilization of Fly Ash	Target Date
1	At least 50% of fly ash generation	One year from the date of Issue of this notification.
2.	At least 60% of fly ash generation	Two years from the date of issue of this notification.
3.	At least 75% of fly ash generation	Three years from the date of issue of this notification.
4.	At least 90% of fly ash generation	Four years from the date issue of this notification.
5.	100% fly ash generation	Five years from the date of issue of this notification.

The unutilised fly ash in relation to the target during a year, if any, shall be utilized within next two years in addition to the targets stipulated for those years and the balance unutilized fly ash accumulated during first five years (the difference between the generation and the utilization

target) shall be utilized progressively over next five years in addition to 100% utilization of current generation of fly ash.

(3) Now coal and, or lignite based thermal power stations and, or expansion units commissioned after this notification to achieve the target of fly ash utilization as per Table III given below:

Table III

Serial Number	Fly Ash Utilization level	Target Date
1.	At least 50% of fly ash generation	One year from the date of commissioning
2.	At least 70% of fly ash generation	Two years from the date of Commissioning
3.	90% of fly ash generation	Three years from the date of commissioning
4.	100% of fly ash generation	Four years from the date of commissioning.

The unutilised fly ash in relation to the target during a year, if any, shall be utilized within next two years. in addition to the targets stipulated for these years and the balance unutilized fly ash accumulated during first four years (the difference between the generation and utilization target)

shall be utilized progressively over next five years in addition to 100% utilization of current generation of fly ash”,

- b) in sub-paragraph (4), for the words “six months” the words “four months” shall be substituted;:
- c) for sub-paragraph (6), the following subparagraphs shall be substituted, namely:-

"(6) The amount collected from sale of fly ash and fly as based, products by coal and/or lignite based thermal power stations or the subsidiary or sister concern unit, as applicable should be kept in a separate account head and shall utilized only for development of infrastructure or facilities, "promotion and facilitation activities for use of fly ash until 100 percent fly ash utilization level is achieved; thereafter as long as 100% fly ash utilization levels are maintained, the thermal power station would be free to utilize the amount collected for other development programmes also and in case, there is a reduction in the fly ash utilization levels in the subsequent year(s), the use of financial-return from fly ash shall get restricted to development of infrastructure or facilities and promotion or facilitation activities for fly ash utilization until 100 percent fly ash utilisation level is again achieved and maintained.

(7) Annual implementation report (for the period 1st April to 31st March) providing information about the compliance of provisions in this notification shall be submitted by the 30th day of April, every year to the Central Pollution Control Board, concerned State Pollution Control Board or Committee and the concerned Regional Office of the Ministry of Environment and Forests by the coal or lignite based thermal power plants, and also be made a part of the annual report of the thermal power plant as well as thermal power plant wise information be provided in the annual report of thermal power producing agency owning more than one thermal power plant.";

4. in the said notification, in paragraph 3,-

a) in sub-paragraph (2), for the words "schedules of specifications and construction applications, including appropriate standards and codes of practice, within a period of four months from the publication of this notification", the words "tender documents, schedules of specifications and construction applications including appropriate standards and codes of practice thin a period of four months from the publication of this notification" shall be substituted;

b) for sub-paragraph (2A), the following sub-paragraph shall be substituted, namely:-

"(2A) Building construction agencies both in public and private shall prescribe the use of fly ash and fly ash-based product in their respective tender documents, schedules of specifications and construction applications, including appropriate standards and code of practice and make provisions for the use of fly ash and fly ash based bricks, blocks or tiles or aggregates of them in the schedule of approved materials and rates within a period of four months from the publication of this notification,";

(c) for sub-paragraphs (2B) and (3), the following sub-paragraphs shall be substituted, namely:-

"(2B) All agencies undertaking construction of road of fly over -bridges and compaction and compaction of low lying areas, including Department of Road Transport and Highways (DORTH), National Highways Authority of India (NHAI), Central Public works Department (CPWD), State Public Works Department and other State Government Agencies, shall within a period of four months from the publication of this notification:-

(a) make provisions in their tender documents, schedules of approved materials and rates as well as technical documents for

implementation of this notification, including those relating to soil borrow area or pit as per sub-paragraph (6) of paragraph 1; and

- (b) make necessary specifications or guidelines for road or fly over embankments that are not covered by the specifications laid down by the Indian Road Congress (IRC).
- (3) All local authorities shall specify in their respective tender documents, building bye-laws and regulations, the use of fly ash and fly ash-based products and construction techniques in building materials, roads embankments or for any usage with immediate effect.
- (4) The Central Electricity Authority and other approving agencies may permit the land area for emergency ash pond or fly ash -storage area up to 50 hectares for a 500 MW unit, based on 45% ash content coal, or in the same proportion for units in other capacities taking into account the ash content in coal or lignite to be used.

- (5) All Financial institutions and agencies which fund construction activities shall include a clause in their loan or grant document for compliance of the provisions of this notification.
- (6) A Monitoring committee shall be constituted by the Central Government with Members from Ministry of Coal, Ministry of Mines, Ministry of Power Central Pollution Control Board, Central Electricity Authority, Head Fly Ash Unit of Department of Science and Technology and Building Material Teleology Promotion Council to monitor the implementation of the provisions of the notification and submit recommendations or observations at least once in every six months to the Secretary, Ministry of Environment and Forests. Concerned Advisor or Joint Secretary in the Ministry of Environment and Forests will be the convener of this committee.
- (7) For the purpose of monitoring the implementation of the provisions of this notification the state Government or Union territory Government shall constitute a Monitoring Committee within three months from the date of issue of this notification under the Chairmanship of Secretary Department of Environment with representative from Department of Power, Department of

Mining, Road and Building Construction Department and State Pollution Control Board and this Committee would deal with any unresolved issue by Dispute Settlement Committee as prescribed in sub-paragraph (4) of paragraph 1, in addition to monitoring and facilitating implementation of this notification at the respective State Government or Union territory level and this Committee would also be empowered to suitably modify (waive or relax) the stipulation under sub-paragraph (1) in case of non-availability of fly ash in sufficient quantities from thermal power plant as certified by the said power plants and the Committee will meet at least once in every quarter.

(F. No. 9-8/2005-HSMD]

G V. SUBRAHMANYAM, Scientist 'G'

Foot Note :-The principal notification was published in the Gazette of India, Part II, Section 3, Sub-section (ii) vide notification number S.O. 763(E), dated the 14th September, 1999 and was amended vide notification number S. O. 979(E), dated the 27th August, 2003.

// TRUE COPY //

	सीमेंट शीट या पाइप या बोर्ड या पैनल): ii. सीमेंट विनिर्माण: iii. रेडी मिक्स कंक्रीट: iv. राख और जीओ-पॉलिमर आधारित निर्माण सामग्री: v. सिंटीड या कोल्ड बॉन्डेड राख एग्रीगेट का निर्माण: vi. सड़कों, सड़क और फ्लाई ओवर के पुश्तों का निर्माण: vii. बांधों का निर्माण: viii. निम्न भू-क्षेत्र का भराव: ix. खनिज क्षेत्रों का भराव: x. अधिभार वाले डम्पों में उपयोग: xi. कृषि: xii. तटीय जिलों में तटरेखा सुरक्षा संरचनाओं का निर्माण: xiii. अन्य देशों को राख का निर्यात xiv. अन्य (कृपया विनिर्दिष्ट करें):			
20.	सार :			
	ब्यौरा	सृजित मात्रा (एमटीपी)	उपयोग की गई मात्रा (एमटीपी) और (%)	शेष मात्रा (एमटीपी)
	रिपोर्टिंग की अवधि के दौरान राख			
	पुरानी राख			
	कुल			
21.	कोई अन्य सूचना : वार्षिक अनुपालन रिपोर्ट, और विद्युत संयंत्रों और राख कुण्डों की शेष फाइलों की सॉफ्ट कॉपी ई-मेल:- moefcc- coalash@gov.in पर भेजी जाए।			
22.	प्राधिकृत हस्ताक्षरकर्ता के हस्ताक्षर			

MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE

NOTIFICATION

New Delhi, the 31st December, 2021

S.O. 5481(E).—Whereas by notification of the Government of India in the erstwhile Ministry of Environment and Forests *vide* S.O.763 (E), dated the 14th September, 1999, as amended from time to time, the Central Government, issued directions for restricting the excavation of top soil for manufacturing of bricks and promoting the utilisation of fly ash in the manufacturing of building materials and in construction activity within a specified radius of three hundred kilometres from the coal or lignite based thermal power plants;

And whereas, to implement the aforesaid notification more effectively based on the polluter pays principle (PPP) thereby ensuring 100 per cent utilisation of fly ash by the coal or lignite based thermal power plants and for the sustainability of the fly ash management system, the Central Government reviewed the existing notification; and whereas environmental compensation needs to be introduced based on the polluter pays principle;

And whereas, there is a need to conserve top soil by promoting manufacture and mandating use of ash based products and building materials in the construction sector;

And whereas, there is a need to conserve top soil and natural resources by promoting utilisation of ash in road laying, road and flyover embankments, shoreline protection measures, low lying areas of approved projects, backfilling of mines, as an alternative for filling of earthen materials;

And whereas, it is necessary to protect the environment and prevent the dumping and disposal of fly ash discharged from coal or lignite based thermal power plants on land;

And whereas, in the said notification the phrase 'ash', has been used which includes both fly ash as well as bottom ash generated from the Coal or Lignite based thermal power plants;

And whereas, the Central Government intends to bring out a comprehensive framework for ash utilisation including system of environmental compensation based on polluter pays principle;

And whereas, a draft notification on ash utilisation by coal or lignite thermal power plants in supersession of the notification of the Government of India, Ministry of Environment and Forests published in the Gazette of India, Extra Ordinary part II, section 3, sub-section (i) *vide* S.O.763 (E), dated the 14th September, 1999, by notification in exercise of the powers conferred under sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986) read with clause (d) of sub-rule (3) of rule (5) of the Environment (Protection) Rules, 1986, was published in the Gazette of India, Extraordinary, Part II, section 3, sub-section (i), *vide* G.S.R. 285(E), dated the 22nd April, 2021 inviting objections and suggestions from all persons likely to be affected thereby before the expiry of sixty days from the date on which copies of the Gazette containing the said draft provisions were made available to the public;

And, whereas all the objections and suggestions received from all persons likely to be affected thereby in respect of the said draft notification have been duly considered by the Central Government;

Now, therefore, in exercise of the powers conferred by sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986) read with clause (d) of sub-rule (3) of rule (5) of the Environment (Protection) Rules, 1986, and in supersession of the Notification S.O.763 (E), dated the 14th September, 1999 except as respect things done or omitted to be done before such supersession, the Central Government hereby issues the following notification on ash utilisation from coal or lignite thermal power plants which shall come into force on the date of the publication of this notification, namely:-

A. Responsibilities of thermal power plants to dispose fly ash and bottom ash.—

- (1) Every coal or lignite based thermal power plant (including captive or co-generating stations or both) shall be primarily responsible to ensure 100 per cent utilisation of ash (fly ash, and bottom ash) generated by it in an eco-friendly manner as given in sub-paragraph (2);
- (2) The ash generated from coal or lignite based thermal power plants shall be utilised only for the following eco-friendly purposes, namely:-
 - (i) Fly ash based products viz. bricks, blocks, tiles, fibre cement sheets, pipes, boards, panels;
 - (ii) Cement manufacturing, ready mix concrete;
 - (iii) Construction of road and fly over embankment, Ash and Geo-polymer based construction material;
 - (iv) Construction of dam;
 - (v) Filling up of low lying area;
 - (vi) Filling of mine voids;
 - (vii) Manufacturing of sintered or cold bonded ash aggregate;
 - (viii) Agriculture in a controlled manner based on soil testing;
 - (ix) Construction of shoreline protection structures in coastal districts;

- (x) Export of ash to other countries;
- (xi) Any other eco-friendly purpose as notified from time to time.
- (3) A committee shall be constituted under the chairmanship of Chairman, Central Pollution Control Board (CPCB) and having representatives from Ministry of Environment, Forest and Climate Change (MoEFCC), Ministry of Power, Ministry of Mines, Ministry of Coal, Ministry of Road Transport and Highways, Department of Agricultural Research and Education, Institute of Road Congress, National Council for Cement and Building Materials, to examine and review and recommend the eco-friendly ways of utilisation of ash and make inclusion or exclusion or modification in the list of such ways as mentioned in Sub-paragraph (2) based on technological developments and requests received from stakeholders. The committee may invite State Pollution Control Board or Pollution Control Committee, operators of thermal power plants and mines, cement plants and other stakeholders as and when required for this purpose. Based on the recommendations of the Committee, Ministry of Environment, Forest and Climate Change (MoEFCC) may publish such eco-friendly purpose.
- (4) Every coal or lignite based thermal power plant shall be responsible to utilise 100 per cent ash (fly ash and bottom ash) generated during that year, however, in no case shall utilisation fall below 80 per cent in any year, and the thermal power plant shall achieve average ash utilisation of 100 per cent in a three years cycle:

Provided that the three years cycle applicable for the first time is extendable by one year for the thermal power plants where ash utilisation is in the range of 60-80 per cent, and two years where ash utilisation is below 60 per cent and for the purpose of calculation of percentage of ash utilisation, the percentage quantity of utilisation in the year 2021- 2022 shall be taken into account as per the table below:

Utilisation percentages of thermal power plants	First compliance Cycle to meet 100 per cent utilisation	Second compliance cycle onwards, to meet 100 per cent utilisation
>80 per cent	3 years	3 years
60-80 per cent	4 years	3 years
<60 per cent	5 years	3 years

Provided further that the minimum utilisation percentage of 80 per cent shall not be applicable to the first year and first two years of the first compliance cycle for the thermal power plants under the utilisation category of 60-80 per cent and <60 per cent, respectively.

Provided also that 20per cent of ash generated in the final year of compliance cycle may be carried forward to the next cycle which shall be utilised in the next three years cycle along with the ash generated during that cycle.

- (5) The unutilised accumulated ash i.e. legacy ash, which is stored before the publication of this notification, shall be utilised progressively by the thermal power plants in such a manner that the utilization of legacy ash shall be completed fully within ten years from the date of publication of this notification and this will be over and above the utilisation targets prescribed for ash generation through current operations of that particular year:

Provided that the minimum quantity of legacy ash in percentages as mentioned below shall be utilised during the corresponding year and the minimum quantity of legacy ash is to be calculated based on the annual ash generation as per installed capacity of thermal power plant.

Year from date of publication	1 st	2 nd	3 rd -10 th
Utilisation of legacy ash (in percentage of Annual ash)	At least 20 per cent	At least 35 per cent	At least 50 per cent

Provided further that the legacy ash utilisation shall not be required where ash pond or dyke has stabilised and the reclamation has taken place with greenbelt or plantation and the concerned State Pollution Control Board shall certify in this regard. Stabilisation and reclamation of an ash pond or dyke including certification by the Central Pollution Control Board (CPCB) or State Pollution Control Board (SPCB) or Pollution Control Committee (PCC) shall be carried out within a year from the date of publication of this notification. The ash remaining in all other ash ponds or dykes shall be utilised in progressive manner as per the above mentioned timelines.

Note: The obligations under sub-paragraph (4) and (5) above for achieving the ash utilisation targets shall be applicable from 1st April, 2022.

- (6) Any new as well as operational thermal power plant may be permitted an emergency or temporary ash pond with an area of 0.1 hectare per Mega Watt (MW). Technical specifications of ash ponds or dykes shall be as per the guidelines of Central Pollution Control Board (CPCB) made in consultation with Central Electricity Authority (CEA) and these guidelines shall also lay down a procedure for annual certification of the ash pond or dyke on its safety, environmental pollution, available volume, mode of disposal, water consumption or conservation in disposal, ash water recycling and greenbelt, etc., and shall be put in place within three months from the date of publication of this notification.
- (7) Every coal or lignite based thermal power plant shall ensure that loading, unloading, transport, storage and disposal of ash is done in an environmentally sound manner and that all precautions to prevent air and water pollution are taken and status in this regard shall be reported to the concerned State Pollution Control Board (SPCB) or Pollution Control Committee (PCC) in Annexure attached to this notification.
- (8) Every coal or lignite based thermal power plant shall install dedicated silos for storage of dry fly ash silos for at least sixteen hours of ash based on installed capacity and it shall be reported upon to the concerned State Pollution Control Board (SPCB) or Pollution Control Committee (PCC) in the Annexure and shall be inspected by Central Pollution Control Board (CPCB) or State Pollution Control Board (SPCB) or Pollution Control Committee (PCC) from time to time.
- (9) Every coal or lignite based thermal power plant (including captive or co-generating stations or both) shall provide real time data on daily basis of availability of ash with Thermal Power Plant (TPP), by providing link to Central Pollution Control Board's web portal or mobile phone App for the benefit of actual user(s).
- (10) Statutory obligation of 100 per cent utilisation of ash shall be treated as a change in law, wherever applicable.

B. For the purpose of utilisation of ash, the subsequent sub-paras shall apply.—

- (1) All agencies (Government, Semi-government and Private) engaged in construction activities such as road laying, road and flyover embankments, shoreline protection structures in coastal districts and dams within 300 kms from the lignite or coal based thermal power plants shall mandatorily utilise ash in these activities:

Provided that it is delivered at the project site free of cost and transportation cost is borne by such coal or lignite based thermal power plants.

Provided further that thermal power plant may charge for ash cost and transportation as per mutually agreed terms, in case thermal power plant is able to dispose the ash through other means and those agencies makes a request for it and the provisions of ash free of cost and free transportation shall be applicable, if thermal power plant serves a notice on the construction agency for the same.

- (2) The utilisation of ash in the said activities shall be carried out in accordance with specifications and guidelines laid down by the Bureau of Indian Standards, Indian Road Congress, Central Building Research Institute, Roorkee, Central Road Research Institute, Delhi, Central Public Works Department, State Public Works Departments and other Central and State Government Agencies.

- (3) It shall be obligatory on all mines located within 300 kilometres radius of thermal power plant, to undertake backfilling of ash in mine voids or mixing of ash with external Overburden dumps, under Extended Producer Responsibility (EPR). All mine owners or operators (Government, Public and Private Sector) within three hundred kilometres (by road) from coal or lignite based thermal power plants, shall undertake measures to mix at least 25 per cent of ash on weight to weight basis of the materials used for external dump of overburden, backfilling or stowing of mine (running or abandoned as the case may be) as per the guidelines of the Director General of Mines Safety (DGMS):

Provided that such thermal power stations shall facilitate the availability of required quantity of ash by delivering ash free of cost and bearing the cost of transportation or cost of transportation arrangement decided on mutually agreed terms and mixing of ash with overburden in mine voids and dumps shall be applicable for the overburden generated from the date of publication of this notification and the utilisation of ash in the said activities shall be carried out in accordance with guidelines laid down by the Central Pollution Control Board, Director General of Mines Safety and Indian Bureau of Mines.

Explanation.- For the purpose of this sub-paragraph, it is also clarified that the provisions of ash free of cost and free transportation shall be applicable, if thermal power plants serve a notice on the mine owner for the same and the mandate of using 25 per cent of ash for mixing with overburden dump and filling up of mine voids shall not be applicable unless a notice is served on the mine owner by thermal power plant.

- (4) (i) All mine owners shall get mine closure plans (progressive and final) to accommodate ash in the mine voids and the concerned authority shall approve mine plans for disposal of ash in mine voids and mixing of ash with overburden dumps. The Ministry of Environment, Forest and Climate Change (MoEFCC) has issued guidelines on 28th August, 2019 regarding exemption of requirement of Environmental Clearance of thermal power plants and coal mines along with the guidelines to be followed for such disposal.

(ii) The Ministry in consultation with Central Pollution Control Board (CPCB), Director General of Mine Safety (DGMS) and Indian Bureau of Mines (IBM) may issue further guidelines time to time to facilitate ash disposal in mine voids and mixing with overburden dumps and it shall be the responsibility of mine owners to get the necessary amendments or modifications in the permissions issued by various regulatory authorities within one year from the date of identification of such mines.

- (5) (i) There shall be a committee headed by Chairperson, Central Pollution Control Board (CPCB) with representatives from Ministry of Environment, Forest and Climate Change, Ministry of Power, Ministry of Mines, Ministry of Coal, Director General of Mine Safety and Indian Bureau of Mines for identification of mines for backfilling of mine voids with ash or mixing of ash with overburden dump including examination of safety, feasibility (not economic feasibility) and aspects of environmental contamination and the committee shall get updated quarterly reports prepared regarding identified mines (both underground and opencast) for the stakeholder Ministries or Departments and the committee shall start identifying the suitable mines immediately after the publication of this notification.

(ii) Thermal power plants or mines shall not wait for disposal of ash till the identification is done by the above mentioned committee, to meet the utilisation targets mandated as above.

- (6) Filling of low lying areas with ash shall be carried out with prior permission of the State Pollution Control Board or Pollution Control Committee for approved projects, and in accordance with guidelines laid down by Central Pollution Control Board (CPCB) and the State Pollution Control Board or Pollution Control Committee (PCC) shall publish approved sites, location, area and permitted quantity annually on its website.

- (7) Central Pollution Control Board after engaging relevant stakeholders, shall put in place the guidelines within one year for all types of activities envisaged under this notification including putting in place time bound online application process for the grant permission by State Pollution Control Boards (SPCBs) or Pollution Control Committees (PCCs).

- (8) All building construction projects (Central, State and Local authorities, Govt. undertakings, other Govt. agencies and all private agencies) located within a radius of three hundred kilometres from a coal or lignite based thermal power plant shall use ash bricks, tiles, sintered ash aggregate or other ash based products, provided these are made available at prices not higher than the price of alternative products.
- (9) Manufacturing of ash based products and use of ash in such products shall be in accordance with specifications and guidelines laid down by the Bureau of Indian Standards, Indian Road Congress, and Central Pollution Control Board.

C. Environmental compensation for non-compliance.—

- (1) In the first two years of a three years cycle, if the coal or lignite based thermal power plant (including captive or co-generating stations or both) has not achieved at least 80 per cent ash (fly ash and bottom ash) utilisation, then such non-compliant thermal power plants shall be imposed with an environmental compensation of Rs. 1000 per ton on unutilised ash during the end of financial year based on the annual reports submitted and if it is unable to utilise 100 per cent of ash in the third year of the three years cycle, it shall be liable to pay an environmental compensation of Rs. 1000 per ton on the unutilised quantity on which environmental compensation has not been imposed earlier:

Provided that the environmental compensation shall be estimated and imposed at the end of last year of the first compliance cycle as per the various utilisation categories as mentioned in sub-paragraph (4) of Para A.

- (2) Environmental compensation collected by the authorities shall be deposited in the designated account of Central Pollution Control Board.
- (3) In case of legacy ash, if the coal or lignite based thermal power plant (including captive or co-generating stations or both) has not achieved utilisation equivalent to at least 20 per cent (for the first year), 35 per cent (for the second year), 50 per cent (for third to tenth year) of ash generated based on installed capacity, an environmental compensation of Rs. 1000 per ton of unutilised legacy ash during that financial year shall be imposed and if the utilization of legacy ash is not completed at the end of 10 years, an environmental compensation of Rs.1000 per ton shall be imposed on the remaining unutilised quantity which has not been imposed earlier.
- (4) It shall be the responsibility of the transporters or vehicle owner to deliver ash to authorised purchaser or user agency and if it is not complied, then an environmental compensation of Rs. 1500 per ton on such quantity as mis-delivered to unauthorised users or non- delivered to authorised users will be imposed besides prosecution of such non-compliant transporters by State Pollution Control Board (SPCB) or Pollution Control Committee (PCC).
- (5) It is the responsibility of the purchasers or user agencies to utilise ash in an eco-friendly manner as laid down at para B of this notification and if it is not complied, then an environmental compensation of Rs. 1500 per ton shall be imposed by State Pollution Control Board (SPCB) or Pollution Control Committee (PCC).
- (6) If the user agencies do not utilise ash to the extent obligated under para B or the extent to which they have been intimated through Notice(s) served under sub-paragraph (1) of para D, whichever is lower, they shall be liable to pay Rs. 1500 per ton of ash for the quantity they fall short off:

Provided that the environmental compensation on building constructions shall be levied at Rs.75/- per square feet of built up area of construction.

- (7) (i) The environmental compensation collected by Central Pollution Control Board from the thermal power plants and other defaulters shall be used towards the safe disposal of the unutilised ash and the fund may also be utilised for advancing research on use of ash including ash based products.

(ii) The liability of ash utilisation shall be with thermal power plants even after imposition of environmental compensation on unutilised quantities and in case thermal power plant achieves the ash utilisation of any

particular cycle after imposition of environmental compensation in subsequent cycles, the said amount shall be returned to thermal power plant after deducting 10 per cent of the environmental compensation collected on the unutilised quantity during the next cycle and deduction of 20 per cent, 30 per cent, and so on, of the environmental compensation collected is to be made in case of utilisation of ash in subsequent cycles.

D. Procedure for supply of ash or ash based products.—

- (1) The owner of thermal power plants or manufacturers of ash bricks or tiles or sintered ash aggregate shall serve written notice to persons or agencies who are liable to utilise ash or ash based products, offering for sale, or transport or both.
- (2) Persons or user agencies who have been served notices by owner of thermal power plants or manufacturers of ash bricks or tiles or sintered ash aggregate, if they have already tied up with other agencies for the purpose of utilisation of ash or ash products, shall inform the thermal power plant accordingly, if they cannot use any ash or ash products or use reduced quantity.

E. Enforcement, Monitoring, Audit and Reporting.—

- (1) The Central Pollution Control Board (CPCB) and the concerned State Pollution Control Board (SPCB) or Pollution Control Committee (PCC) shall be the enforcing and monitoring authority for ensuring compliance of the provisions and shall monitor the utilisation of ash on quarterly basis. Central Pollution Control Board shall develop a portal for the purpose within six months of date of publication of the notification. The concerned District Magistrate shall have concurrent jurisdiction for enforcement and monitoring of the provisions of this notification.
- (2) (i) Thermal power plants shall upload monthly information regarding ash generation and utilisation by 5th of the next month on the web portal. Annual implementation report (for the period 1st April to 31st March) providing information about the compliance of provisions in this notification shall be submitted by the 30th day of April, every year to the Central Pollution Control Board, concerned State Pollution Control Board or Pollution Control Committee (PCC), Central Electricity Authority (CEA), and concerned Integrated Regional Office of Ministry of Environment, Forest and Climate Change by the coal or lignite based thermal power plants. Central Pollution Control Board and Central Electricity Authority shall compile the annual reports submitted by all the thermal power plants and submit to Ministry of Environment, Forest and Climate Change by 31st May.

(ii) All other user agencies shall submit consumption or utilisation or disposal of ash and use of ash based products as mandated in this notification in the compliance report of Environmental Clearance (EC) issued by Ministry of Environment, Forest and Climate Change or State Level Environment Impact Assessment Authority (SEIAA) or Consent to Operate (CTO) issued by State Pollution Control Board (SPCB) or Pollution Control Committee (PCC), whichever is applicable. The Central Pollution Control Board (CPCB) or State Pollution Control Board (SPCB) or Pollution Control Committee (PCC) shall publish annual report of ash utilisation of all other agencies except thermal power plants to review the effective implementation of the provisions of the notification.
- (3) For the purpose of monitoring the implementation of the provisions of this notification, a committee shall be constituted under the Chairperson, Central Pollution Control Board (CPCB), with members from Ministry of Power, Ministry of Coal, Ministry of Mines, Ministry of Environment, Forest and Climate Change, Ministry Road Transportation and Highways, Department of Heavy Industry as well as any concerned stakeholder(s), to be nominated by the Chairman of the committee. The committee may make recommendations for effective and efficient implementation of the provisions of the notification. The committee shall meet at least once in six months and review annual implementation reports and the committee shall also hold stakeholder consultations for monitoring of ash utilisation as mandated by this notification by inviting relevant stakeholder(s) at least once in six months. The committee shall submit the six monthly report to Ministry of Environment, Forest and Climate Change (MoEFCC).

- (4) For the purpose of resolving disputes between thermal power plants and users of ash or manufacturer of ash based products, the State Governments or Union territory administration constitute a Committee within three months from the date of publication of this notification under the Chairman, State Pollution Control Board (SPCB) or Pollution Control Committee (PCC) with representatives from Department of Power, and one representative from the Department which deals with the subject of concerned agency with which dispute is made.
- (5) The compliance audit for ash disposal by the thermal power plants and the user agency shall be conducted by auditors, authorised by Central Pollution Control Board (CPCB) and audit report shall be submitted to Central Pollution Control Board (CPCB) and concerned State Pollution Control Board (SPCB) or Pollution Control Committee (PCC) by 30th November every year. Central Pollution Control Board (CPCB) and concerned State Pollution Control Board (SPCB) or Pollution Control Committee (PCC) shall initiate action against non-compliant thermal power plants within fifteen days of receipt of audit report.

[F. No. HSM-9/1/2019-HSM]

NARESH PAL GANGWAR, Jt. Secy.

AnnexureAsh Compliance Report (for the period 1st April-31st March) to be submitted on or before 31st May.

Sl. No.	Details	
1.	Name of Power Plant	
2.	Name of the company	
3.	District	
4.	State	
5.	Postal address for communication:	
6.	E-mail:	
7.	Power Plant installed capacity (MW):	
8.	Plant Load Factor (PLF):	
9.	No. of units generated (MWh):	
10.	Total area under power plant (ha): (including area under ash ponds)	
11.	Quantity of coal consumption during reporting period (Metric Tons per Annum):	
12.	Average ash content in percentage (per cent):	
13.	Quantity of current ash generation during reporting period (Metric Tons per Annum): Fly ash (Metric Tons per Annum): Bottom ash (Metric Tons per Annum):	
14.	Capacity of dry fly ash storage silo(s) (Metric Tons) :	
15.	Details of utilisation of current ash generated during reporting period (a) Total quantity of current ash utilised (MTPA) during reporting period: (b) Quantity of fly ash utilised (MTPA): (i) Fly ash based products (bricks or blocks or tiles or fibre cement sheets or pipes or boards or panels) (ii) Cement manufacturing:	

	<ul style="list-style-type: none"> (iii) Ready mix concrete: (iv) Ash and Geo-polymer based construction material: (v) Manufacturing of sintered or cold bonded ash aggregate: (vi) Construction of roads, road and fly over embankment: (vii) Construction of dams: (viii) Filling up of low lying area: (ix) Filling of mine voids: (x) Use in overburden dumps: (xi) Agriculture: (xii) Construction of shoreline protection structures in coastal districts; (xiii) Export of ash to other countries: (xiv) Others (please specify): <p>(c) Quantity of bottom ash utilised (MTPA):</p> <ul style="list-style-type: none"> (i) Fly ash based products (bricks or blocks or tiles or fibre cement sheets or pipes or boards or panels): (ii) Cement manufacturing: (iii) Ready mix concrete: (iv) Ash and Geo-polymer based construction material: (v) Manufacturing of sintered or cold bonded ash aggregate: (vi) Construction of roads, road and flyover embankment: (vii) Construction of dams: (viii) Filling up of low lying area: (ix) Filling of mine voids: (x) Use in overburden dumps: (xi) Agriculture: (xii) Construction of shoreline protection structures in coastal districts: (xiii) Export of ash to other countries: (xiv) Others (please specify): <p>Total quantity of current ash unutilised (MTPA) during reporting period:</p>	
16.	Percentage utilisation of current ash generated during reporting period (per cent):	
17.	<p>Details of disposal of ash in ash ponds</p> <ul style="list-style-type: none"> (a) Total quantity of ash disposed in ash pond(s) (Metric Tons) as on 31st March (excluding reporting period): (b) Quantity of ash disposed in ash pond(s) during reporting period (Metric Tons): (c) Total quantity of water consumption for slurry discharge into ash ponds during reporting period (m³): (d) Total number of ash ponds: <ul style="list-style-type: none"> (i) Active: (ii) Exhausted (yet to be reclaimed): (iii) Reclaimed: (e) total area under ash ponds (ha): 	
18.	<p>Individual ash pond details</p> <p><i>Ash pond-1,2, etc (please provide below mentioned details separately, if number of ash ponds is more than one)</i></p> <ul style="list-style-type: none"> (a) Status: Under construction or Active or Exhausted or 	

	<p>Reclaimed</p> <p>(b) Date of start of ash disposal in ash pond (DD/MM/YYYY or MMYYYY):</p> <p>(c) Date of stoppage of ash disposal in ash pond after completing its capacity (DD/MM/YYYY or MM/YYYY): (Not applicable for active ash ponds)</p> <p>(c) area (hectares):</p> <p>(d) dyke height (m):</p> <p>(d) volume (m³):</p> <p>(e) quantity of ash disposed as on 31st March (Metric Tons):</p> <p>(f) available volume in percentage (per cent) and quantity of ash can be further disposed (Metric Tons):</p> <p>(g) expected life of ash pond (number of years and months):</p> <p>(e) co-ordinates (Lat and Long): (please specify minimum 4 co-ordinates)</p> <p>(f) type of lining carried in ash pond: HDPE lining or LDPE lining or clay lining or No lining</p> <p>g) mode of disposal: Dry disposal or wet slurry (in case of wet slurry please specify whether HCSD or MCSD or LCSD)</p> <p>(h) Ratio of ash: water in slurry mix (1:___):</p> <p>(i) Ash water recycling system (AWRS) installed and functioning: Yes or No</p> <p>(j) Quantity of wastewater from ash pond discharged into land or water body (m³):</p> <p>(k) Last date when the dyke stability study was conducted and name of the organisation who conducted the study:</p> <p>(l) Last date when the audit was conducted and name of the organisation who conducted the audit:</p>									
19.	<p>Quantity of legacy ash utilised (MTPA):</p> <ol style="list-style-type: none"> i. Fly ash based products (bricks or blocks or tiles or fibre cement sheets or pipes or boards or panels): ii. Cement manufacturing: iii. Ready mix concrete: iv. Ash and Geo-polymer based construction material: v. Manufacturing of sintered or cold bonded ash aggregate: vi. Construction of roads, road and flyover embankment: vii. Construction of dams: viii. Filling up of low lying area: ix. Filling of mine voids: x. Use in overburden dumps: xi. Agriculture: xii. Construction of shoreline protection structures in coastal districts; xiii. Export of ash to other countries: xiv. Others (please specify): 									
20.	<p>Summary:</p> <table border="1" data-bbox="288 1937 1401 2007"> <thead> <tr> <th data-bbox="288 1937 579 2007">Details</th> <th data-bbox="579 1937 866 2007">Quantity generated (MTP)</th> <th data-bbox="866 1937 1134 2007">Quantity utilised (MTP) and (per cent)</th> <th data-bbox="1134 1937 1401 2007">Balance quantity (MTP)</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	Details	Quantity generated (MTP)	Quantity utilised (MTP) and (per cent)	Balance quantity (MTP)					
Details	Quantity generated (MTP)	Quantity utilised (MTP) and (per cent)	Balance quantity (MTP)							

	Current ash during reporting period			
	Legacy ash			
	Total			
21.	Any other information: Soft copy of the annual compliance report, and shape files of power plant and ash ponds may be e-mailed to:- moefcc-coalash@gov.in			
22.	Signature of Authorised Signatory			



TRUE COPY

ASH UTILISATION POLICY

Ash produced by thermal power plants is a proven resource material for many applications of construction industries and currently is being utilized in the manufacturing of Portland Pozzolana Cement (PPC), fly ash bricks/blocks/tiles, road embankment construction, low-lying area development, and in agriculture as soil conditioner etc.

Prayagraj Power Generation Company Ltd. adopts following to make optimum generation and utilization of ash as an environmentally sustainable and economically viable product:

- i. Optimise generation of ash by adopting appropriate operation practices and through selection of appropriate coal for power generation.
- ii. Maximise ash utilisation on sustainable basis in alignment to SDG# 12 Responsible consumption & production and in line with the principles of Circular Economy and Integrated Waste Management.
- iii. Encourage and incentivise Ash Utilization by setting up appropriate provisions for collection, handling, and utilisation of ash.
- iv. Enhance awareness and actively engage with experts for deploying innovative solutions to enhance gainful ash utilisation and explore successful market linkages.
- v. Environmentally safe storage of unutilised ash till its utilisation.
- vi. Adherence to applicable statutory regulatory norms on ash utilisation / storage and handling.

R0

Date: 1st April 2022


Brajesh Singh
Chief Executive Officer



TRUE COPY

VAKALATNAMA
BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH AT NEW DELHI
ORIGINAL APPLICATION NO. 617 OF 2022

IN THE MATTER OF :-

Pushpender

... Applicant

Versus

State of U.P & Ors

... Respondents

KNOW ALL to whom these present shall come that I, Ashok Kumar Panda, Authorised Representative of Respondent No. 4 i.e. M/s Prayagraj Power Generation Company Ltd ("**Respondent No.4/ PPGCL**") in the above mentioned matter do hereby appoint: Mr. Shri Venkatesh, Mr. Jatin Ghuliani, Mr. Anant Singh, Mr. Mohit Mansharamani, Mr. Rishabh Sehgal, Mr. Kunal Veer Chopra, Mr. Suhael Buttan, Mr. Siddharth Joshi, Mr. Abhishek Nangia, Mr. Vineet Kumar, Ms. Soumyaa Sharma, Mr. Punyam Bhutani, Mr. Sanjeev Singh Thakur, Mr. Ashutosh Kumar Srivastava, Mr. Bharath Gangadharan, Mr. Nihal Bhardwaj, Mr. Siddharth Nigotia, Mr. Kartikay Trivedi, Mr. Shivam Kumar, Mr. Aashwyn Singh and Mr. Nikunj Bhatnagar (**SKV Law Offices**) (herein after called the advocate/s) to be my Advocate/s in the above noted case and authorise them: -

1. To act, appear and plead in the above noted case in this Court or in any other Court in which the same may be tried or heard and also in the appellate Court including High Court subject to payment of fees separately for each Court by me.
2. To sign, file, verify and present pleadings, appeals, cross objections or petitions for executions review revision, withdrawal, compromise or other petitions or affidavits or other documents as may be deemed necessary or proper for the prosecution of the said case in all its stages subject to payment of fees for each stage.
3. To file and take back documents, to admit and/or deny the documents of opposite party.
4. To withdraw or compromise the said case or submit to arbitration any differences or disputes that may arise touching or in any manner relating to the said case.
5. To take execution proceedings.
6. To deposit, draw and receive monthly cheques, cash and grant receipts thereof and to do all other acts and things which may be necessary to be done for the progress and in the course of the prosecution of the said case.



7. To appoint and instruct any other Legal Practitioner authorising him to exercise the power and authority hereby conferred upon the Advocate whenever he may think fit to do so and to sign the Power of Attorney on our behalf.
8. And I the undersigned do hereby agree to rectify and confirm all acts done by the Advocate or his substitute in the matter as my own acts, as if done by me/us to all intents and proposes.
9. And I undertake that I or my duly Authorised Agent would appear in Court on all hearings and will inform the Advocate for appearance when the case is called.
10. And I the undersigned do hereby agree not to hold the advocate or his substitute responsible for the result of the said case.
11. The adjournment costs whenever ordered by the Court shall be of the Advocate which he shall receive and retain for himself.
12. And I the undersigned to hereby agree that in the event of the whole or part of the fee agreed by me to be paid to the advocate remaining unpaid he shall be entitled to withdraw from the prosecution of the said case until the same is paid up. The fee settled is only for the above case and above Court. I hereby agree that once fee is paid, I will not be entitled for the refund of the same in any case whatsoever and if the case prolongs for more than 3 years the original fee shall be paid again by me.

IN WITNESS WHEREOF I do hereunto set my hand to these presents contents of which have been understood by me on this 23rd day of March, 2023

Accepted subject to the terms of the fees.



Advocates



Client





Shri Venkatesh
(D/815/2008)



Anant Singh
D/2353/2018



Mohit Mansharamani
(D/2774/2019)



Bharath Gangadharan
(D/7325/2017)



Nihal Bhardwaj
(D/9517/2019)



Siddharth Nigotia
(D/6850/2019)



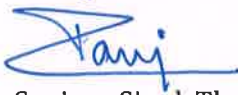
Aashwyn Singh
(D/462/2023)



Vineet Kumar
(D/4863/2019)



Siddharth Joshi
(D/2808/2017)



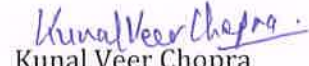
Sanjeev Singh Thakur
(D/6442/2021)



Jatin Ghuliani
(D/3703/2017)



Rishabh Sehgal
(D/4635/2018)



Kunal Veer Chopra
(D/6836/2022)



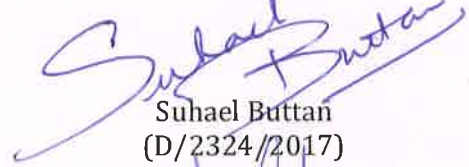
Ashutosh Kumar Srivastava
(D/268/2017)



Kartikay Trivedi
(D/5863/2021)



Shivam Kumar
(D/3458/2019)



Suhael Buttan
(D/2324/2017)



Abhishek Nangia
(D/2691/2019)



Ms. Soumyaa Sharma
(D/6328/2020)



Punyam Bhatani
D/4057/2022

**Certified True Copy of the resolution passed the Board of Directors of Prayagraj Power
Generation Company Limited in the meeting held on
Tuesday, 29th November 2022**

“RESOLVED that the consent of the Board of Directors of the Company be and is hereby granted for issuance of Power of Attorney, by any one of the Director of the Company in favour of Mr. Ashok Kumar Panda, Chief Executive Officer of the Company with effect from 16th December 2022.

For Prayagraj Power Generation Company Limited



Neha Malik
Company Secretary
M.No. F10045
Dt:13.03.2023

Prayagraj Power Generation Company Limited

Registered Office: Shatabdi Bhawan, B 12 & 13, Sector 4, Gautam Budh Nagar, Noida, Uttar Pradesh – 201301.
Phone: +91-120-6102000/6102008 | CIN: U40101UP2007PLC032835

Plant Address: P.O. – Lohgara, Tehsil – Bara, Prayagraj (Allahabad), Uttar Pradesh – 212107.
Phone: 7525006400/8528846666