

IN THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

IN
ORIGINAL APPLICATION NO. 691 OF 2022

RAMA SHANKER AWASTHI

...APPLICANT

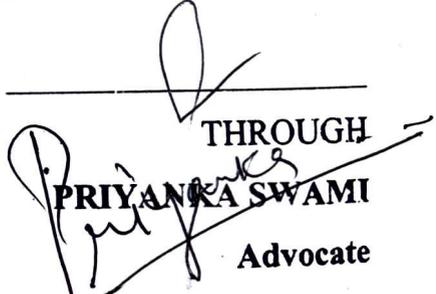
VERSUS

STATE OF UTTAR PRADESH & ORS.

...RESPONDENTS

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THROUGH

PRIYANKA SWAMI
 Advocate
 Counsel for SEIAA, U.P.
 F- 13, Ground Floor,
 Jangpura Extension,
 New Delhi- 110014

Date: 14.03.2024

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Reply On Behalf of the behalf of State Level Environment Impact

Assessment Authority

MOST RESPECTFULLY SHOWETH: -

1. At the outset, the answering respondent denies each and every allegation, contention and/or insinuation contained in the instant Application, which is contrary to and/or inconsistent with what is stated hereinafter. In any event, nothing contained in the Application which is not specifically admitted herein, be deemed to have been admitted, for want of denials or otherwise.
2. Ministry of Environment and Forest, Govt. of India through its notification dated 14/09/2006 (as amended) has made it mandatory to obtain Prior Environmental Clearance prior to establishment or expansion of any such project or activity which is listed in the schedule of notification.

Environmental clearance shall be required for:

- a) All new projects or activities listed in the Schedule to this notification.
 - b) Expansion and modernization of existing projects or activities listed in the Schedule to this notification with addition of capacity beyond the limits specified for the concerned sector, that is, projects or activities which cross the threshold limits given in the Schedule, after expansion or modernization;
 - c) Any change in product-mix in an existing manufacturing unit included in Schedule beyond the specified range.
 - d) Objective of this process is to impose certain restrictions and prohibitions on new projects or activities, or on the expansion or modernization of existing projects or activities based on their potential environmental impacts.
3. The environmental clearance shall be taken from Central Government in the Ministry of Environment and Forests for matters falling under Category 'A' in the Schedule and at State level, the State Environment Impact Assessment Authority (SEIAA) for matters falling under Category 'B' in the said Schedule, before any construction work, or preparation of land by the project management except for securing the land, is started on the project or activity. The State Environment Impact Assessment Authority (SEIAA) shall base its decision on the recommendations of a State level Expert Appraisal Committee (SEAC).
4. The SEIAA and SEAC, Uttar Pradesh have been constituted by Ministry of Environment and Forest & CC, Govt. of India vide notification

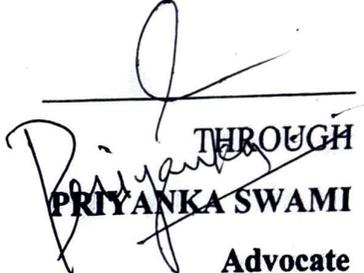
bearing no. S.O 3338(E) dt. 16.10.2017 and subsequently reconstituted through notification bearing no. S.O. 2276(E) dated 11/06/2021

5. Directorate of Environment, Govt. of U.P. has been declared to function as Secretariat to these statutory bodies i.e. SEIAA and SEAC by State Government.
6. All such project proposals received to the SEIAA, UP for Prior Environmental Clearance are dealt according to the EIA Notification, 2006 (as amended).
7. It is submitted that SEIAA, vide letter no. 1076/SEAC/368/2009 dated: 09/07/2010 issued grant of Environment Clearance for 90 MW Independent Coal based thermal Power Plant at village Khambarkhera, Tehsil Lakhimpur-Khiri, District Khiri, M/s Bajaj Hindustan Ltd. Concerned copy of Environment Clearance letter dated 09/07/2010 is being filed herewith and marked as **Annexure no.01.**
8. Further SEIAA has considered his application in its meeting dated 13.12.2010 for Amendment in Environment Clearance. SEIAA discussed the name of the company as mentioned in Environment Clearance dated 09/07/2010 and issued amendment of Environment Clearance, vide letter no. 420/SEAC/308/2009-10/AD(H) dated 06/01/2011. Amendment letter dated 06/01/2011 is being filed herewith and marked as **Annexure no.02.**

PRAYER

It is, therefore, most respectfully prayed that this Hon'ble Tribunal may graciously be pleased to:

- i. Dismiss the present Interlocutory application with Exemplary cost Or
- ii. Pass any such other order as may deem fit.


THROUGH
PRIYANKA SWAMI
Advocate

Counsel for SEIAA, U.P.

F- 13, Ground Floor,

Jangpura Extension,

New Delhi- 110014

Date: 14⁰³.2024

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IN THE HON'BLE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH, NEW DELHI

ORIGINAL APPLICATION NO. 691 OF 2022

In the matter of:-

RAMA SHANKER AWASTHI

...APPLICANT

VERSUS

STATE OF UTTAR PRADESH

& ORS.

...RESPONDENTS

AFFIDAVIT

Affidavit of **Sh. ANURAG KUMAR YADAV**, aged about 46 years s/o Sh. P.N. Singh, presently posted as **DEPUTY DIRECTOR, DIRECTORATE OF ENVIRONMENT, UTTAR PRADESH**, having an office at **E- 12/1, NOIDA, UTTAR PRADESH.**
Presently at New Delhi

1. That I am posted as stated above and well conversant with the facts of the present case and as such competent to swear this affidavit before this Tribunal.
2. That the accompanying reply has been drafted by our counsel upon my instructions.
3. That the contents of the accompanying reply are true and correct and the knowledge has been derived from official records and nothing material has been concealed therefrom.





[Signature]

DEPONENT

VERIFICATION

Verified on solemn affirmation at New Delhi on this 14 MAR day of March 2024, that the contents of the foregoing affidavit are true and correct to the best of my knowledge and no part of it is false and nothing material has been concealed therefrom.

14 MAR 2024

ATTESTED
[Signature]
NOTARY PUBLIC
(INDIA)

Presently at New Delhi

Paiyankg
Identified the deponent
has signed in my presence
D/14/76/2010
Annuke Sani

[Signature]

DEPONENT

State Level Environment Impact Assessment Authority, Uttar Pradesh**Directorate of Environment, U.P.**

Dr. Bhim Rao Ambedkar Paryavaran Parisar

Vineet Khand-1, Gomti Nagar, Lucknow - 226 010

Phone : 91-522-2300 541, Fax : 91-522-2300 543

E-mail : up.seiaa@yahoo.com

Ref. No/076 /SEAC/368/2009

Date 9 July, 2010

To,

Dr. A. V. Singh,
Head (Distillery Business & EHS)
M/s Bajaj Hindusthan Ltd.,
B-10, Sector-03,
NOIDA.

Sub: Regarding the Environmental Clearance for 90 MW Independent Coal based thermal Power Plant at Village Khambarkhera, Tehsil Lakhimpur Kheri, District-Kheri, M/s Bajaj Hindusthan Ltd.

Dear Sir,

Please refer to your letter dated 10-06-2010 addressed to the Secretary, State Level Expert Appraisal Committee, Govt. of Uttar Pradesh, Vineet Khand-1, Gomti Nagar, Lucknow on the subject as above. The State Level Expert Appraisal Committee has considered your application in its meeting dated 30/06/2010. The Committee noted that terms of reference for the proposed project were issued vide letter No. 37/Parya/SEAC/368/09 dated 6th January, 2010 and letter no. 699/Parya/SEAC/368/09 dated 30-04-2010. Public Hearing for the project was held on 24-5-2010 and the Public Hearing Report was communicated to Directorate of Environment through letter No.F-68143/C-5/NOC-521/10 Dated 7.6.10. The Committee was given to understand by the representatives of project proponents present in the meeting that:

1. The Environmental Clearance is sought for proposed 90 MW Independent Coal based thermal Power Plant at Village Khambarkhera, Tehsil Lakhimpur Kheri, District-Kheri, M/s Bajaj Hindusthan Ltd..

2. The total land requirement is 51 acres out of which 16.0 acres is for plant and machinery, 25.0 acres is for green area and 10 acres is for ash pond.
3. Proposed Water consumption is 6984 kld which shall be sourced from ground water.
4. Coal requirement for the proposed project is 1600 MT/day.
5. The project proposal is covered under category "1d" of the EIA notification dated 14/09/06.

Based on the recommendations of the State Level Expert Appraisal Committee (meeting held on 30-06-2010) on the aforesaid project the State Level Environment Impact Assessment Authority (meeting held on 08-07-2010) has decided to grant the Environmental Clearance to the project subject to the effective implementation of all general conditions prescribed by the Committee earlier (Annex-1) and following specific condition:

1. Consent for establishment shall be obtained from U.P. Pollution Control Board and a copy shall be furnished to the SEIAA, U.P. before taking up any construction activity at the site.
2. Compliance regarding all the issues raised at the Public Hearing shall be ensured and communicated.
3. A stack of 110 metres height shall be provided with stack monitoring facility (sampling code etc.) for NOX and particulate matter. Exit velocity of the gases shall not be less than 15 metres per second. The data collected shall be analyzed and submitted regularly to the Ministry.
4. High efficiency electro-static precipitator (ESP) shall be installed to ensure that particulate emission does not exceed 100 mg/Nm^3 .
5. Adequate dust extraction and dust separation system in dusty areas such as in fuel handling and ash handling points, transfer areas and other vulnerable dusty areas shall be provided.
6. Water requirement of 6984 metre^3 /day shall be met from ground water. Necessary prior permission for drawl of requisite quantity of ground water for the project shall be obtained from the competent authority.
7. Close cycle cooling system with cooling towers shall be provided.
8. The treated effluents conforming to the prescribed standards shall be recirculated and re-used within the plant. There shall be no discharge outside the plant boundary except during monsoon for storm water.

- Arrangements shall be made that effluents and storm water do not get mixed.
9. A suitable sewage treatment facility shall be provided and the treated sewage shall be used for raising green belt/plantation.
 10. Rain water harvesting should be adopted. Central Ground Water Authority/Board shall be consulted for finalization of appropriate rain water harvesting technology.
 11. Regular monitoring of ground water in and around the project area shall be carried out; records maintained and six-monthly reports shall be submitted to the competent authorities.
 12. Leq. of noise levels emanating from turbines shall be limited to 75 dBA. For people working in the high noise areas. Requisite protective equipments like ear plugs/ear muffs etc shall be provided. Workers engaged in noisy areas such as turbines, air compressors etc shall be periodically examined to maintain audio metric record and for treatment for any hearing loss including shifting to non-noisy/less noisy areas.
 13. Fly ash management shall be done as per fly ash notification of Govt. of India.
 14. Appropriate safeguard measures to guard against fire hazards shall be undertaken.
 15. A green belt of adequate width and density shall be developed around the plant periphery covering at least 33% of the project area.
 16. First aid and sanitation arrangements shall be made for the drivers and other contract workers during construction phase.
 17. Regular monitoring of ground level concentration of SO₂, NO_x and RSPM (PM₁₀ and PM_{2.5}) including chlorine at work zone shall be carried out in the impact zone and records maintained. In addition, the new parameters mentioned in new NAAQS should also be taken into account. If at any stage, these levels are found to exceed the prescribed limits, necessary control measures shall be provided immediately. The location of the monitoring stations and frequency of monitoring shall be decided in consultation with SPCB. Six-monthly reports shall be submitted to the Government of India also.
 18. A separate Environment Management Cell with qualified staff shall be set up for implementation of the stipulated environmental safeguards.
 19. Half-yearly report on the status of implementation of the stipulated conditions and environmental safeguards shall be submitted to the MoEF, Govt of India/CPCB/SPCB and to this authority.

20. A separate plan for the treatment of DM plant waste should be prepared.
21. Plantation at the point of maximum impact should be undertaken.
22. Separate funds shall be allocated for implementation of environmental protection measures along with item wise breakup. These costs shall be included as part of the project cost. The funds earmarked for the environmental protection measures shall not be diverted for any other purposes and year wise expenditure should be reported to the Govt. of India/CPCB/SPCB and to this authority.
23. The project authorities shall inform regarding the date of financial closure and final approval of the project by the concerned authorities and the dates of start of land development work and commissioning of plant.
24. In case of any deviation or alteration in the project proposed from those submitted to this authority, a fresh Reference should be made to the authority to assess the adequacy of the conditions imposed and to add additional environmental protection measures required, if any.

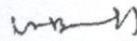
The above stipulations would be imposed among others under the water (Prevention and Control of Pollution) Act, 1974, the Air (Prevention and Control of Pollution) Act, 1981, the Environmental Protection Act 1986 and the rules there under, Hazardous Wastes (Management and Handling) Rules 1989 and its amendments, the Public Liability Insurance Act, 1991 and its amendments.

The project proponent will have to submit approved plans and proposals incorporating the conditions specified in the Environmental Clearance within 03 months of issue of the clearance. Failing this the environmental Clearance shall be deemed to be cancelled.

Necessary statutory clearances should be obtained and submitted before start of any construction activity. In the event of the violation of the condition the environmental clearance shall be automatically deemed to have been cancelled.

These stipulations would be enforced among others under the provisions of Water (Prevention and Control of Pollution) Act. 1974, the Air (Prevention and Control of Pollution) Act. 1981, the Environment (Protection) Act, 1986, the Public Liability (Insurance) Act, 1991 and EIA Notification, 2006 including the amendments and rules made thereafter.

This is to request you to take further necessary action in matter as per provision of Gazette Notification No. S.O. 1533(E) dated 14.9.2006 and send regular compliance reports to the authority as prescribed in the aforesaid notification.



(Dr. C.S. Bhatt)

Member Secretary, SEIAA

Copy for necessary action to:

1. The Principal Secretary, Environment, U.P. Govt., Lucknow.
2. Dr. Nalini Bhatt, Director, Ministry of Environment & Forests, Govt. of India, Paryavaran Bhavan, CGO Complex, Lodhi Road, New Delhi.
3. Regional Office, Ministry of Environment & Forests, (Central Region), Kendriya Bhawan, 5th Floor, Sector-H, Aliganj, Lucknow.
4. The Member Secretary, U.P. Pollution Control Board, PICUP Bhawan, Gomti Nagar, Lucknow.
5. Administrative Officer, Directorate of Environment for monitoring & Web Updation.



(Dr. Yashpal Singh)
Secretary, SEAC &

Director, Environment Directorate,
Govt. of U.P.

State Level Environment Impact Assessment Authority, Uttar Pradesh

Directorate of Environment, U.P.

Dr. Bhim Rao Ambedkar Paryavaran Parisar
Vineet Khand-1, Gomti Nagar, Lucknow - 226 010
Phone : 91-522-2300 541, Fax : 91-522-2300 543
E-mail : up.seiaa@yahoo.com

Ref.No. 420/SEAC/308/2009-10/AD(H)/

06.01.2011
Date: 06.01.2011 December, 2010

To,

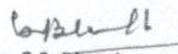
Dr. A.V. Singh,
Head(Distillery Business & EHS)
M/s Bajaj Energy Pvt Ltd, Bajaj Bhawan, Jamnalal Bajaj Marg,
Nariman Point, Mumbai.

Sub: Regarding amendment in Environmental Clearance to change the company name of proposed power plants from M/s Bajaj Hindusthan Ltd. to M/s Bajaj Energy Pvt Ltd, Bajaj Bhawan, Jamnalal Bajaj Marg, Nariman Point, Mumbai.

Dear Sir,

Please refer to your letter dated 26/10/2010 addressed to the Secretary, State Level Environment Impact Assessment Authority, U.P., Govt. of U.P., Dr. Bhimrao Ambedkar Paryavaran Parisar, Vineet Khand-1, Gomti Nagar, Lucknow on the subject as above. The Authority has considered your application in its meeting dated 13.12.10 and discussed the name of the company as mentioned in the E.C issued vide letter no. 1076 dated 09, July, 2010 is amended as follows.

Location of Power plant	From Company name	To Company name
Village-Khamberkhera, Tehsil-Lakhimpurkhiri, Block-Phoolbehar, District- Kheri, U.P.	M/s Bajaj Hindusthan Ltd.	M/s Bajaj Energy Pvt Ltd, Bajaj Bhawan, Jamnalal Bajaj Marg, Nariman Point, Mumbai.


(Dr. G.S. Bhatt)
Member Secretary, SEIAA

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1. The Principal Secretary, Environment, U.P. Govt., Lucknow.
2. Dr. Nallni Bhatt, Director, Ministry of Environment & Forests, Govt. of India, Paryavaran Bhawan, CGO Complex, Lodhi Road, New Delhi.
3. Regional Office, Ministry of Environment & Forests, (Central Region), Kendriya Bhawan, 5th Floor, Sector-H, Aliganj, Lucknow.
4. The Member Secretary, U.P. Pollution Control Board, PICUP Bhawan, Gomti Nagar, Lucknow.
5. Nodal Officer, SEAC, Directorate of Environment, U.P. Lucknow.


(Dr. Yashpal Singh)
Secretary, SEAC and
Director, Directorate of Environment,
Govt. of U.P.