



N.R. No..6.126/23

Date...18/07/23

Place.....SG

BEFORE THE BON'BLE NATIONAL GREEN TRIBUNAL,

PRINCIPAL BENCH

ORIGINAL APPLICATION NO 398 OF 2022

IN THE MATTER OF:

Lalman Shah

...Applicant

Versus

State of M.P.

...Respondent

REPLY ON BEHALF OF RESPONDENT NO. 4, MADHYA PRADESH

POLLUTION CONTROL BOARD, (MPPCB)

I, Mukesh Shrivastava S/o Shri Kailash Narayan Srivastava, aged about 60 years working in the capacity of Regional Officer M.P. Pollution Control Board having office at Singrauli, Madhya Pradesh, do hereby solemnly state and affirm as under:

1. The present reply is being filed on behalf of the above-named Respondent No. 4 (hereinafter referred to as the "**Answering Respondent**"), and I am the authorized representative of the answering respondent in the present case and aware of the facts and circumstances of the present case and as such am competent to swear and file the present reply in the subject Original Application filed by the Applicant.



JAGATLAL SHAH
Advocate & Notary
Waldhan, Distt. Singrauli (M.P.)





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That the Hon'ble National Green Tribunal (PB) vide its order dated 21.9.2022 in O.A. No.398/2022 in the matter of Lalman Shah & Ors Vs State of M.P. directed under Para 6, 7 & 8 as stated below:

"Para 6. *In the facts and circumstances of the case, we are constrained to reconstitute the Committee by adding representatives of Regional Office of MoEF & CC at Bhopal and CPCB and the Joint Committee now comprising of Regional Office of MoEF & CC at Bhopal, CPCB, State PCB and District Magistrate, Singrauli is directed to meet within three weeks, undertake site visits, look into the grievances of the applicant, verify the factual position and take requisite remedial action following due process of law and giving opportunity of being heard to the Project Proponent. State PCB will continue to be the nodal agency for compliance and coordination."*

"Para 7. *In its report, the Joint Committee shall specifically deal with all relevant issues raised in the application including the following aspects: -*

- (i) *Compliance with the consent conditions by the Project Proponent.*
- (ii) *Account of the Fly Ash generation, storage, and disposal; Actual functioning and efficacy of the pollution control measures/Arrangements.*
- (iii) *Quality of air and water in the plant premises and surroundings*
- (iv) *Compliance with environmental norms and impact of air or water pollution if any on residents of the locality, livestock, soil, vegetation agricultural crops etc."*

"Para 8. *The Joint Committee shall also make an assessment as to whether any air/water pollution caused by the Project Proponent resulted in any*


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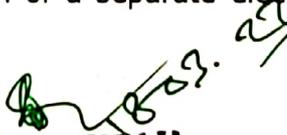


damage to the agricultural crops in the vicinity of the power plant and if so, make its recommendations regarding quantum of compensation required to be paid to the affected persons. For this purpose, the Joint Committee may associate one or more of the experts from any of the agriculture University/Institute in the region and/or seek report from the concerned Revenue Officials regarding average agricultural yield in the affected land and average agricultural yield in other unaffected land in the vicinity."

3. That the answering respondent craves leave of this Hon'ble Tribunal to raise submissions in the present Original Application, and the statements made here, except those categorically admitted herein below to be treated as denied by the answering respondent.

REPLY ON MERITS:

4. In response to the averment regarding compliances by the Project Proponent with the Consent to Operate (CTO) conditions issued by the answering respondent, i.e Madhya Pradesh Pollution Control Board (MPPCB), it is pertinent to note that the compliance sheet filed in the Action taken Report dated 11.01.2023 indicates that the project proponent has indeed complied with the conditions set forth by the answering respondent. Specifically, the project proponent has met the conditions under the Water (Prevention and Control of Pollution) Act of 1974, which includes the daily quantity of trade effluent, trade and sewage effluent treatment, and additional water condition requirements along with the conditions outlined in the Air (Prevention and Control of Pollution) Act of 1981 and the general conditions, including the installation of a separate electric meter and the


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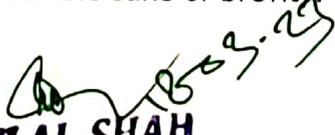




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establishment of a separate environmental cell headed by a senior officer of the unit. Furthermore, the industry management has pledged to ensure compliance with the disposal and utilization of fly ash from its TPP as prescribed in MOEF&CC notifications and additional conditions. The detailed observations form a part of the Action Taken Report dated 11.01.2023, therefore the same is not being repeated for the sake of brevity.

5. That in response to the averment in the petition regarding the Account of the Fly Ash generation, storage and disposal, it is pertinent to note that this has been addressed in the Action taken Report dated 11.01.2023 wherein it was found that water sprinklers have been installed at the main fly ash silos and CHP coal stock yard to control fugitive emissions during the loading of fly ash in Ash Bulkers and transportation of coal through Stacker reclaimers and conveyors. The average coal consumption per MW power generation during FY 2021-22 & 2022-23 (up to Oct 22) ranged from 0.552 to 0.568 MT, while the ash percentage varied from 27.9% to 30.35%. Of the total ash generated in FY 2021-22, 80% was fly ash, and 20% was bottom ash. Most of the ash was used in Ash bund raising, brick making, and ready-mix concrete, with no ash used in low lying areas, chemosphere, coal mines, cement manufacturing, or other areas. The total ash utilization was 52.35%. M/s Sasan Power Ltd, the project proponent, has submitted an action plan to utilize fly ash by mixing it with Overburden of Captive coal mine in a phased manner from FY 2023-24 onwards, following the latest norms of fly ash utilization, while the legacy ash will be used as per the notification's requirements. The detailed account of the Fly Ash generation, storage and disposal form a part of the Action Taken Report dated 11.01.2023, therefore the same is not being repeated for the sake of brevity.


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6. That in response to the averment in the Petition pertaining to quality of air and water in the plant premises and surroundings along with compliance with environmental norms and Impact of air or water pollution if any on residents of the locality, livestock, soil, vegetation, agricultural crops etc, the answering respondent conducted air and water quality sampling at the location as per the prescribed protocol of CPCB. Wherein out of the seven monitoring locations, four were found to be exceeding the 24-hour ambient air quality standard of 100ug/m³. The project proponent was instructed to place barriers in the eastern direction of the coal yard and increase water sprinkling to improve ambient air quality. However, upon assessing the recorded AAQ data during 2021 and 2022 (up to October 2022), it was found that the ambient air was generally under the stipulated standards for PM10 and PM2.5. The water quality at 13 locations, including groundwater and surface water, was reported to be within the prescribed standards as per IS 10500:2012 and IS 2296. The concentration of heavy metals in the water was assessed at three locations, and the levels were found to be well within the prescribed limits as per IS 10500:2012. To assess whether there was any pollution in the soil that might result in reduced agricultural production, soil sampling was conducted at five different depths at the petitioner's field on 11th November 2022. The results showed no significant change in the micro nutrient and heavy metal contents in the soil of the project's site location compared to the soils of the local field location. The soil samples were analysed at ICAR-Indian Institute of Soil Science (IISS), Bhopal. The detailed observations form a part of the Action Taken Report dated 11.01.2023, therefore the same is not being repeated for the sake of brevity.

[Signature]
JAGATLAL SHAH
Advocate & Notary
Waldhan, Distt. Singrauli (M.P)

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That in response to the averment in the Petition pertaining to reference of the medical and education facility being not provided to the residents of Sasan village whose land was not acquired by the Sasan Power Plant. It is humbly submitted that the matter is concerned with act(s)/ omissions of the Project Proponent i.e M/s Reliance Sasan Power Limited, Sasan, therefore, the Answering Respondent being devoid of complete knowledge of the facts herein, it is pertinent that the response to the said averment shall be made by Project Proponent i.e., Respondent No.6. Hence, the said averment in the Petition does not merit any response from the Answering Respondent.

8. That in view of the facts indicated in earlier paras it is respectfully prayed that necessary directions be passed, and the Respondent No.4 confirms that it shall abide by any order or direction, passed by this Hon'ble Tribunal.

DEPONENT

[Signature]
(Mukesh Srivastva)

Regional Officer

M.P. Pollution Control Board Singrauli (M.P.)

[Signature]
JAGATLAL SHAH
Advocate & Notary
Waldhan, Distt. Singrauli (M.P.)



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VERIFICATION

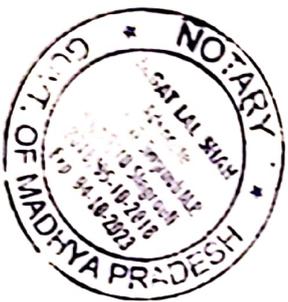
I, the above-named Deponent do hereby verify that the contents of my above affidavit are true to my knowledge and belief based on official record. No part of it is false and no material has been concealed therein.

Verified at Singrauli (M.P.) on this 17th day of March, 2023.

DEPONENT


(Mukesh Srivastav)
Regional Officer,
M.P. Pollution Control Board Singrauli (M.P.)

Sig. of Deponent
Executant




IDENTIFIED BY


JAGAT LAL SHAH
Advocate & Notary
Waldhan, Distt. Singrauli (M.P.)