

**BEFORE THE NATIONAL GREEN TRIBUNAL, New Delhi**

**O.A. NO. 181 OF 2022**

**IN THE MATTER OF**

**Dinesh Prasad Chaurasia & Ors.**

**..... Applicant.**

**Versus**

**State of Bihar**

**.....Respondent(s)**

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discharged by M/S Kanti Bijli Utpadan Nigam Ltd on adjoining agricultural land due to which the private lands of farmers are getting flooded and is becoming infertile.

3. That the Hon'ble Tribunal vide its order dated 19.04.2022 constituted a committee consisting of representatives from CPCB; Regional Office of MOEF&CC, Ranchi; State PCB; and District Magistrate, Muzzafarpur, to look into the grievances of the applicant and take remedial measure. The State PCB was made nodal agency for coordination and compliance.
4. That on passing of the aforesaid order the State Board vides its letter dated 28.04.2022 fixed meeting of the joint committee on 05.05.2022 and informed all the members of the joint committee about the meeting.  
**A copy of the letter dated 28.04.2022 is annexed and marked as Annexure-1.**
5. That in the said meeting it was decided that the site visit to look in to the grievances of the applicant will be done on 19.05.2022 and to ascertain factual position regarding alleged flooding of private land of farmers,

making them infertile, damage to crops and fruit bearing trees on land near fly ash dyke of KBUNL, officials from concerned departments like Agriculture, Irrigation, Animal & Fisheries Resources, Local Body and Circle Officer of the area would also be present on the day of visit.

**A copy of the minutes of the meeting is annexed and marked as Annexue-2.**

6. That on site visit it was found that the fly-ash dyke were not fenced; paved roads were not constructed due to which dust was getting suspended in air due to vehicular movement; dry fly-ash were being loaded on trucks whereas wet fly-ash is to be loaded to prevent emission; the old canal lying adjoining to the dyke has become defunct due to which during rainy season the storm water get stagnated and consequently, the storm water, mixed with fly-ash and enters into adjoining private lands of the farmers. Further, the District Agriculture Officer, Muzzafarpur, has vide letter dated 09.06.2022 has reported that due to flooding of storm water mixed with containing fly-ash crops are damaged.

**A copy of attendance sheet of site visit and inspection report of joint committee is annexed and marked as Annexure-3.**

7. That it will not be out of place to mention here that similar allegation was made in O.A. no. 272 of 2019 (Satyanarayan Sahni vs State of Bihar). In the said case the Hon'ble Tribunal vide its order dated 16.04.2019 directed the District Magistrate, Muzzafarpur, and State PCB to take appropriate action in accordance with law.

**A copy of the order dated 16.04.2019 is annexed and marked as Annexure-4.**

8. That in view of the orders passed by the Hon'ble Tribunal, the State Board along with representatives of the District Administration inspected the unit and ash pond of M/S KBUNL on 06.12.2019 and 07.12.2019, in presence of representatives/officers of M/S KBUNL and the local residents including the complainant.

9. That in the said inspection, *inter-alia*, it was found that the conditions subject to which CTO was granted to M/S KBUNL were not being complied and also the 'Environmental Clearance' conditions were not being complied. Some of the violations were found are reproduced hereunder: -

- i. Adequate facility for the maintenance of ash-ponds was not provided, as only one water sprinkling vehicle was seen sprinkling water in insufficient manner;
  - ii. Ash-slurry was found dumped outside the ash-pond and was left to dry;
  - iii. Facility for the management of the seepage water from ash-pond was not developed;
  - iv. There was no peripheral drain around the ash-pond to save from breaches;
  - v. There was no separate storm water and industrial waste water drain;
  - vi. There have been cases of breach earlier; and
  - vii. There was lack of security arrangement for the ash-ponds like fencing, lighting, guards, etc. to safeguard the ash-ponds from any tampering and any unforeseen mis-happening.
10. That in view of the aforesaid violations 'Proposed Direction' as contained in Memo No. 7310, dated 19.12.2019, was issued, by the Chairman of the State Board in exercise of powers conferred by Section 31A of the Air Act and Section 33A of the Water Act, and served upon

M/S KBUNL wherein measures for arresting the pollution being caused were proposed and M/S KBUNL was given an opportunity to file its objections (if any) as to why the Board shall not direct M/S KBUNL to implement/take the said measures in a time bound manner. Further, in the said 'Proposed Direction' M/S KBUNL was also directed to show-cause as to why 'Environmental Compensation' shall not be imposed for the aforesaid violations.

11. That M/S KBUNL filed its reply vide letter no. KBUNL/MTPS/42706, dated 31.12.2019, in which they have admitted the fact of inspection and have also admitted the violations and deficiencies as pointed/noted by the inspecting team.

12. That the timelines proposed by M/S KBUNL in their reply for implementing/taking the measures as proposed by the State Board, were not acceptable to the State Board and accordingly a meeting was convened on 28.01.2020 between the State Board and Officials of M/S KBUNL at the State Board Office at Patna on the issue of timelines proposed by M/S KBUNL. That on the said meeting revised timelines

were prepared mutually and M/S KBUNL agreed to implement the said timelines.

13. That in view of the aforesaid, the State Board accepted the reply filed by M/S KBUNL and allowed the request of M/S KBUNL to relinquish M/S KBUNL from imposing 'Environmental Compensation'.

14. That however since M/S KBUNL had miserably failed to comply with the Consent conditions; 'Environmental Clearance' conditions; directions of the State Board and also other important compliances required by the Central Government's notification the Chairman of the State Board in discharge of his duties and functions directed M/S KBUNL, vide its letter dated 25.02.2020, to furnish a bank/performance guarantee of Rs. 5 crores to ensure compliance/implementation of the work/measures as per timeline mutually agreed and undertaken by M/S KBUNL vide its letter dated 30.01.2020.

15. That M/S KBUNL vides its letter dated 29.02.2020 requested the State Board to not take bank/performance guarantee. However, the State Board did not find the prayer made by M/S KBUNL justifiable

considering the human health at stake and directed the appellant to furnish bank/performance guarantee to ensure that the works are carried out as per the timelines mutually agreed.

16. That to the surprise of the State Board M/S KBUNL made a representation for extending the mutually agreed timelines and vide its letter dated 21.05.2020 and 02.07.2020 submitted a fresh timeline for completion of work.

17. That since M/S KBUNL had not furnished bank/performance guarantee the State Board vide its letter dated 21.08.2020 informed M/S KBUNL that their plea for revised/extended time-line may only be considered after furnishing bank/performance guarantee.

18. That M/S KBUNL submitted bank/performance guarantee and accordingly the revised timelines proposed was accepted.

19. That M/S KBUNL feeling aggrieved by the State Board action of taking bank/performance guarantee filed statutory appeal which came to be registered as Appeal No. 10 of 2020, which was dismissed by the appellate authority.

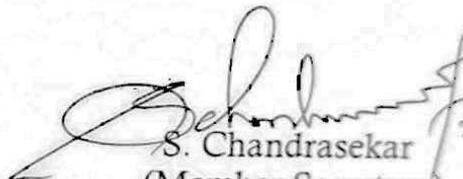
20. That in view of findings of site visit and earlier action taken by State Board M/S KBUNL has been directed to complete the work and submit an affidavit suggesting time line as to when the work will be completed and in the event of failure to meet the time lines suggested earlier the State Board will forfeit the Bank Guarantee of Rs. 5 crores.

21. That I have read the contents of the report and have understood the same.

Sd/-  
S. Chandrasekar  
(Member-Secretary)  
Bihar State Pollution Control Board

20. That in view of findings of site visit and earlier action taken by State Board M/S KBUNL has been directed to complete the work and submit an affidavit suggesting time line as to when the work will be completed and in the event of failure to meet the time lines suggested earlier the State Board will forfeit the Bank Guarantee of Rs. 5 crores.

21. That I have read the contents of the report and have understood the same.

  
S. Chandrasekar  
(Member-Secretary)  
Bihar State Pollution Control Board

## Annexure-1



ई-मेल द्वारा  
**बिहार राज्य प्रदूषण नियंत्रण पर्षद्**

परिवेश भवन, एन.एस.बी-2, पाटलीपुत्र औद्योगिक क्षेत्र,  
पो0-सदाकत आश्रम, पाटलीपुत्र, पटना-800 010

पत्रांक:-

पटना, दिनांक :-

प्रेषक,

एस0 चन्द्रशेखर, भा0ब0से0

सदस्य-सचिव

सेवा में,

वन उप-महानिदेशक,

पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय,

समेकित क्षेत्रीय कार्यालय,

बंगलो सं0-2, श्यामली कॉलोनी,

राँची-834002 (झारखण्ड)।

सदस्य-सचिव,

केन्द्रीय प्रदूषण नियंत्रण बोर्ड,

'परिवेश भवन' पूर्वी अर्जुन नगर, दिल्ली-110032.

जिला पदाधिकारी, मुजफ्फरपुर,

जिला-मुजफ्फरपुर।

**विषय:-**माननीय एन.जी.टी., प्रधान बेंच, दिल्ली में दायर OA No.-181/2022, दिनेश प्रसाद चौरसिया एवं अन्य के मामले में दिनांक 19.04.2022 को पारित आदेश का अनुपालन के संबंध में।

महाशय,

उपर्युक्त प्रसंगाधीन विषय के संदर्भ में सूचित करना है कि विषयांकित वाद की सुनवाई के दौरान माननीय एन.जी.टी. द्वारा मुजफ्फरपुर जिले में एन0टी0पी0सी0 की कांटी बिजली उत्पादन निगम लि0 द्वारा उक्त जिले के ग्राम-नरसंडा में कृषि भूमि पर फ्लाई ऐश डंप किये जाने के मामले की तथ्यात्मक स्थिति का पता लगाने के लिए निम्नलिखित सदस्यों की संयुक्त समिति (प्रतिनिधि) का गठन किया गया है:-

- (i) केन्द्रीय प्रदूषण नियंत्रण बोर्ड, दिल्ली;
- (ii) पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय के क्षेत्रीय कार्यालय, राँची;
- (iii) बिहार राज्य प्रदूषण नियंत्रण पर्षद्; एवं
- (iv) जिलाधिकारी, मुजफ्फरपुर।

ज्ञातव्य है कि विषयांकित मामले में माननीय एन.जी.टी. द्वारा बिहार राज्य प्रदूषण नियंत्रण पर्षद् को समन्वय एवं सहायता करने हेतु नोडल एजेंसी बनाया गया है। पर्षद् की ओर से पर्षद् विश्लेषक (मोबाईल नं0-9431425760) को नोडल पदाधिकारी के रूप में नामित किया गया है।

Anjani K. Saha  
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माननीय एन.जी.टी. द्वारा संयुक्त समिति को निर्देश दिया गया है कि समिति को सदस्य चार सप्ताह के अन्दर बैठक कर स्थल का दौरा करेगी और आवेदक को शिकायत के आधार पर जाँच कर तथ्यात्मक और कार्रवाई रिपोर्ट दो माह के भीतर माननीय एन.जी.टी. के व्हायस ई-मेल: [ngt@gov.in](mailto:ngt@gov.in) पर प्रस्तुत करेगी। तदनुसार दिनांक 05.05.2022 को 3:00 बजे अपराह्न Video conferencing के माध्यम से पर्यटन में प्रथम बैठक का आयोजन किया जायेगा।

अतः भवदीय से अनुरोध है कि माननीय प्राधिकरण द्वारा पारित आदेश दिनांक 19.04.2022 (छायाप्रति संलग्न) के आलोक में बैठक, संयुक्त स्थल निरीक्षण एवं तथ्यात्मक जाँच की कार्रवाई करना चाहेंगे।

विषयांकित मामला सुनवाई हेतु दिनांक 11.07.2022 को सूचीबद्ध है।

कृपया इसे सर्वोच्च प्राथमिकता देंगे।

अनु०-यथो

विश्वासभाजन

हउ/-

(एस० चन्द्रशेखर)

सदस्य सचिव

ज्ञापक:- 1314

पटना, दिनांक:- 28/4/2022

प्रतिलिपि:- पर्यटन विश्लेषक (फोन०-9431425760) को निर्देश दिया जाता है कि विषयांकित मामले के संदर्भ में सभी संबंधित से समन्वय स्थापित कर अग्रेतर कार्रवाई सुनिश्चित करना चाहेंगे तथा इस संबंध में प्रतिवेदन अधोहस्ताक्षरी को स-समय उपलब्ध कराना चाहेंगे।

2- क्षेत्रीय पदाधिकारी, मुजफ्फरपुर/श्री नीरज कुमार सिन्हा, सहायक प्रोग्रामर को सूचनाएं एवं आवश्यक कार्रवाई हेतु प्रेषित।

  
(एस० चन्द्रशेखर)  
सदस्य-सचिव

**Minutes of the Joint Committee constituted by the Hon'ble National Green Tribunal, Principal Bench, New Delhi in the matter of O.A. No. 181/2022 regarding complaint against Kanti Bijali Utpadan Nigam Limited (KBUNL) of NTPC, Muzaffarpur held through Video Conferencing on 05.05.2022 at 03:00 pm.**

The Hon'ble National Green Tribunal, Principal Bench, New Delhi has registered an application based on a complaint received from Mr. Dinesh Prasad Chaurasia & Others, residents of Village-Narsanda, P.O./P.S.-Kanti, Dist-Muzaffarpur, Bihar alleging that fly ash is being dumped and effluent is being discharged by Kanti Bijali Utpadan Nigam Limited (KBUNL) of NTPC on adjoining agriculture land in the village-Narsanda causing flooding of farmers private land and making the same infertile. This has caused no crops could be cultivated there and fruit bearing trees have also been dried on land near fly ash dyke. Considering the seriousness of the allegations the Hon'ble Tribunal constituted a Joint Committee of representatives the Central Pollution Control Board; Regional Office of MoEF&CC, Ranchi; State Pollution Control Board and District Magistrate, Muzaffarpur, Bihar to ascertain the factual position in the matter.

Bihar State Pollution Control Board being the Nodal Agency for co-ordination and compliance as per the said order of the Hon'ble NGT informed all the members accordingly vide its reference no. 1314, dated-28.04.2022. As per orders of the Hon'ble NGT the Joint Committee is to meet within four weeks and undertake site visit and look into the grievances of the applicants and take requisite remedial action. Factual and action taken report is to be furnished to the Hon'ble NGT within two months.

Accordingly, an online meeting of the joint committee was held on Thursday, the 5<sup>th</sup> of May, 2022 at 03:00 pm under the chairmanship of the Member Secretary, Bihar State Pollution Control Board. The following officials were present in the meeting:-

1. Sri S.Chandrasekar, Member Secretary, BSPCB, Patna;
2. Sri T.H. Mahato, Scientist-'D', Integrated R.O. MoEF&CC, GoI, Ranchi;
3. Sri Debabrata Das, Sc.-'B', Eastern Regional Directorate, CPCB, Kolkata;
4. Sri Khagesh Chandra Jha, DCLR West, Muzaffarpur;
5. Dr. Naveen Kumar, Board Analyst, BSPCB, Patna;
6. Sri Anjani Kumar Sinha, AEE, BSPCB, Patna; and
7. Sri Sain Kumar, Regional Officer, BSPCB, Muzaffarpur.

The Member Secretary, BSPCB welcomed the officials participating in the meeting and briefed about the orders of the Hon'ble NGT. It was informed that as per orders of the Hon'ble Tribunal there is a need to ascertain the factual position regarding the complaint made by Sri

Chaurasaia and other residents of the village Narsanda in the vicinity of KBUNL. After detailed deliberations over the subject, the following decisions were taken by the committee:-

1. The site visit of the Joint Committee will be made on Thursday, 19<sup>th</sup> of May, 2022 at 11:00 am to look into the grievances of the applicants.
2. To ascertain the factual position regarding alleged flooding of private land of farmers, making them infertile, damage to crops and fruit bearing trees on land near fly ash dyke of KBUNL officials from concerned departments like Agriculture, Irrigation, Animal & Fisheries Resources, Local Body and Circle Officer of the area would also be present with the committee during the site visit. The complainants should also be informed, to be present during the site visit.

DCLR West, Muzaffarpur will ensure participation of these concerned local officials during the site visit of the Committee on 19.05.2022.

The meeting ended with a vote of thanks to all the participants.

Sd/-

(S. Chandrasekar)  
Member Secretary.

Memo no.

Patna, dated-

Copy to: All concerned for information and necessary action.

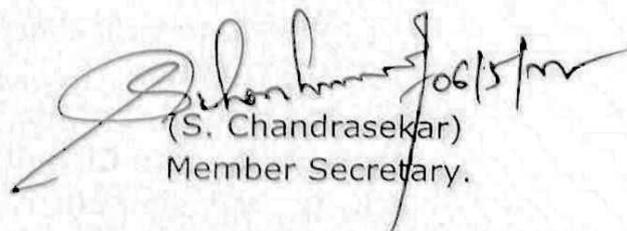
Sd/-

(S. Chandrasekar)  
Member Secretary.

Memo no. 947

Patna, dated- 09.5.22

Copy to: The District Magistrate, Muzaffarpur for information and necessary action.

  
(S. Chandrasekar)  
Member Secretary.

## Inspection Report of Joint Committee

CONSTITUTED BY HON'BLE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI  
(In the matter of O.A. NO: 181/2022, Order Dated: 19.04.2022)

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**Site of Visit:** Fly-Ash Dykes & Fly-Ash Pond of M/s  
Kanti Bijali Utpadan Nigam Limited  
(An unit of M/s NTPC), Kanti, Muzaffarpur.

**Date of Inspection:** 19.05.2022.

**Complaints Case of:** Sri Dinesh Prasad & others,  
Village: Narsanda, PO+PS: Kanti,  
Muzaffarpur V/s State of Bihar

### BACKGROUND:

The Hon'ble National Green Tribunal (NGT), Principal Bench, New Delhi, took cognizance on the complaint of Sri Dinesh Prasad Chaurisia, village: Narsanda, PO+ PS: Kanti, Dist: Muzaffarpur, Bihar and passed an order on dated: 19.04.2022 in A.O. No: 181/2022 and constituted a "Joint Committee" for the meeting & inspection of site of Fly-ash-Dykes established & operational at the village: Narsanda, PO: Kanti, PS: Kanti, Dist: Muzaffarpur by M/s Kanti Bijali Utpadan Nigam Limited (An unit of M/s National Thermal Power Corporation) and directed to submit factual status of air, water & soil pollution due to storage of fly-ash, loading and unloading on vehicles and Action Taken Report to the Hon'ble NGT.

The joint committee consisted of representatives from CPCB, RO of MoEF & CC, District Magistrate, Muzaffarpur & Bihar State Pollution Control Board as nodal agency. The Joint Committee was directed to meet within 4-weeks and visit the site to look into the grievance of the applicants and take required remedial action.

### MEETING OF CONSTITUTED JOINT COMMITTEE:

In the light of above order a video conferencing meeting of Joint Committee was convened on dated: 05.05.2022 at 3.00 PM. Following Members and officers attended the meeting:-

- (1) Mr. T. H. Mahto,  
Scientist – D, Integrated Regional Office, MoEF & CC, Ranchi;
- (2) Mr. Debabrat Das,  
Scientist – B, Central Pollution Control Board, Eastern Regional Directorate, Kolkata;
- (3) Mr. Khagesh Chandra Jha, BAS, DCLR West, Muzaffarpur;
- (4) Mr. S. Chandrashekar, Member Secretary, Bihar State Pollution Control Board, Patna;
- (5) Dr. Naveen Kumar, Board Analyst, Bihar State Pollution Control Board, Patna;
- (6) Mr. Anjani Kumar Sinha, Assistant Environmental Engineer (HQ), Bihar State Pollution Control Board, Patna;
- (7) Mr. Sain Kumar, Regional Officer, Bihar State Pollution Control Board, Muzaffarpur

Member Secretary, BSPCB welcomed the members & brief the complaint of Mr. Dinesh Prasad Chaurasia, Village: Narsanda, Muzaffarpur regarding pollution

due to emission of fly ash of KBUNL (NTPC), Kanti, Muzaffarpur and damaging environment, soil of agriculture land & crops. The complaint also sought against the water lodging in his agriculture land and the management has not made any provision to discharge out the water during rainy season.

Accordingly a program to visit the site on dated: 19.05.2022 conformed by the Joint Committee.

### **Visit of Site by Joint Committee**

The site, village: Narsanda, Kanti, Muzaffarpur was visited by the Joint Committee with concerning officers on dated: 19.05.2022. They were as follow:-

- (1) Mr. T. H. Mahto,  
Scientist – D, Integrated Regional Office, MoEF & CC, Ranchi;
- (2) Mr. Debrat Das,  
Scientist – B, Central Pollution Control Board, Eastern Regional Directorate, Kolkata;
- (3) Mr. Khagesh Chandra Jha, BAS, DCLR West, Muzaffarpur;
- (4) Mr. Baban Panday, Executive Engineer, Water Resources, Muzaffarpur.
- (5) Mr. Shilajeet Singh, District Agriculture Officer, Muzaffarpur.
- (6) Smt. Nutan, District Fishery Officers, Muzaffarpur.
- (7) Mr. Rajshekhar, Circle Officer, Kanti, Muzaffarpur.
- (8) Mr. Shashi Shekhar, Assistant Director, Agriculture Engineering, Muzaffarpur.
- (9) Dr. Ghanshyam Mal, DAHO, Muzaffarpur.
- (10) Dr. Naveen Kumar, Board Analyst, Bihar State Pollution Control Board Patna,
- (11) Mr. Anjani Kumar Sinha, Asst. Envl. Engineer (HQ), Bihar State Pollution Control Board, Patna:
- (12) Mr. Sain Kumar, Regional Officer, Bihar State Pollution Control Board, Muzaffarpur.
- (13) Mr. Dinesh Prasad Chaurasia, Narsanda, Kanti, Muzaffarpur ( Complainant)

### **Discription of Site:**

M/s Kanti Bijali Utpadan Nigam Limited is an unit of M/s National Thermal Plan Corporation (NTPC), Kanti, Muzaffarpur has established 3-numbers of Fly-Ash Dykes & 1-number of Fly-Ash Pond in the north-south area between village: Narsanda & Kanti, PO+PS: Kanti, District: Muzaffarpur. The village - Narsanda is situated in the east side of fly-ash dyke No-1 & 2, while Ward no - 8 is situated in the south & Ward No – 7 in the west of village – Kanti from the Fly-ash Pond. The fly-ash is found in practice to store, loading, unloading and transportation outside the fly-ash Dykes & fly-ash Pondon vehicles regularly.

**factual status:**

**The Joint Committee visited the fly-ash Dykes & found that:-**

- (1) The Fly-Ash Dykes were not fenced.
- (2) Paved roads were not constructed & the vehicles were in practice to travel on the dusty path full of fly-ash on soiled roads;
- (3) Permanent water sprinkling arrangements on Dykes & around the soiled roads of Dyke & Pond were not established;
- (4) The loading/unloading of vehicle with dry-fly-ash instead of wet-fly-ash were found not in practice;
- (5) Covering of loaded fly-ash & keeping free-board on the vehicles were found not in practice;
- (6) The mechanism for washing tyres of the vehicles going outside the Dykes & Pond have not established;
- (7) The old canal passing near the Dyke no - 1, was not visible, causing erosion of soil & discharge of fly-ash mixing with rain water;
- (8) Tree plantation around outside the soiled roads not planted & not developed green belt around the Dykes & Pond;

So, it is possibility & may cause for the scattering & emission of fly-ash outside the Dykes & Pond due to storm & rain water, damage to environment, soil & the crops of agriculture land. The old canal was not in existence due the soil erosion & discharge of fly-ash during rainy season as stated by the complainants & local villagers.

**Villagers Statement:**

- (1) Sri Kari Sah, S/o Chaturbhuj Sah, Kanti, Muzaffarpur:-

The unit is discharging wet-fly-ash through 4-numbers of pipelines, from the south of Dykes. The water comes out from the wet fly-ash of the Dykes and flow on the agriculture land, causing damage to soil & crops of agriculture land.

- (2) Sri Rajesh Prasad, S/o Late Falli Bhagat, Narsanda, Muzaffarpur:-

The raiyati land in the east side damaged due to mixing with fly-ash during raining season due to discharge of fly ash mixing with rain water.

- (3) Sri Pankaj Kumar, S/o Sro Jay Narayan Chaurasia, Narsanda, Muzaffarpur:-  
The old canal covered with soil & fly-ash mixing with rain water and disappeared its existence. So, discharge of rain water into river or other low land area is not functioning properly, causing water logging on agriculture land & contamination of fertile soil with fly-ash.

**Findings of departments:**

- (1) Circle Officer, Kanti, Muzaffarpur:  
(Letter Ref. No: 1091, dated – 16.06.2022)  
The land outside the fly-ash Dykes in the north side is not using by the NTPC. So, it is clear that the NTPC is using his own lands for the storage purpose of fly-ash.
- (2) District Husbandry Officer, Muzaffarpur:  
(Letter Ref. No: 1209, dated – 10.06.2022)  
Trace of fly-ash has been found in some agriculture lands. It may damage to the health of animals in long run.
- (3) Executive Engineer, Flood Control Division, Muzaffarpur:  
(Letter Ref. No: 663, dated – 09.06.2022)  
The upper layer of dry fly-ash in the summer season, causing emission fly ash with wind and may spread nearer agriculture land & may contaminate the fertile soil.  
He suggested that water sprinkling arrangement on ash Dykes shall be provided to minimize the emission of fly-ash. Water may be used for sprinkling from the River Budhi Gandak. This river is situated only 1.0 KM. from the Dykes.
- (4) District Fishery Officer, Muzaffarpur:  
(Letter Ref. No: 624, dated – 09.06.2022)  
The Ponds of fishery are 1.0 KM away from the said fly-ash Dykes. So, there is no damage to fisheries due to emission of fly-ash;
- (5) District Agriculture Officer, Muzaffarpur:  
(Letter Ref. No: 624, dated – 09.06.2022)  
The water logging in the agriculture lands are due to rain water in the season and may damage to crops & orchard. The crops & orchards have not been seen healthy in this area due to emission of fly-ash & rain water flow mixing with fly-ash & water logging during the rainy season.

### Action Taken Report:

In similar complaints received from the villagers of Kanti village & others, earlier for violation of Environmental laws, the unit was directed to submit Bank Guarantee of Rs. 5.00 crores and accordingly submitted the same in compliance to the Board's letter No: Ref. No – 3607 dated: 21.08.2020

The State Board issued a Direction again vide Ref. No: 1857

Dated: 20.06.2022

to submit a “ **Time-Line-Program**” to comply with the directions in the form of “ an affidavit “ within 15-day “ and submit progress report with evidence quarterly to the Board as mentioned below:-

#### Fly-Ash Dykes:

“ STOP ACTIVITIES FOR STORAGE / LOADING / UNLOADING/ TRANSPORTATION OF FLY-ASH FROM THE FLY-ASH DYKES FROM IMMEDIATE EFFECT.”

OR

SUBMIT A TIME LINE PROGRAMME WITHIN 15-DAYS TO & SUBMISSION OF PROGRESS REPORT QUARTERLY FROM TODAY FOR THE COMPLIANCE OF CONDITIONS AS FOLLOW:-

- (a) Construction of Fencing wall around the ash dykes,
- (b) Establishment of Permanent pipeline for water sprinkling arrangement around the road & the Fly-Ash Dykes.
- (a) Construction of Paved road around the Dykes to suppress fugitive emission during Transportation of vehicles.
- (c) Ensure loading & unloading of Wet Fly Ash from the dykes instead of Dry fly ash,
- (d) Ensure to allow the loading of vehicles with free Board & covering of materials properly and after cleaning tyres before transportation outside from the dykes.
- (e) Development of Green belt side-by-side around the dykes.

#### Fly-Ash Pond:

- (a) Establishment of Permanent pipeline for water sprinkling arrangement around the road & the Fly-Ash Ponds.
- (b) Construction of Paved road around the Pond to suppress fugitive emission during Transportation,
- (c) Ensure loading & unloading of Wet Fly Ash from the dykes instead of Dry Fly-ash,

(Page -5)

- (d) Ensure to allow the loading of vehicles with free Board & covering of materials properly and after cleaning of tyres for transportation.
- (e) Development of Green belt side-by-side around the road around the Pond.

And

In addition to the above directions, ensure water sprinkling arrangement in every 6-Hrs. in a day on the road, Dykes and the pond area & ensure the loading/unloading of vehicles will be conducted with wet-fly-ash instead of dry-fly-ash from immediate effect.

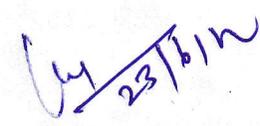
Failing which, the Bank Guarantee shall be forfeited without granting any further opportunity.

  
(Debabrata Das)

Scientist - B, Eastern Eastern Regional Directorate  
CPCB, Kolkata

  
(T. H. Mahato)

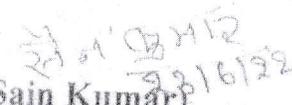
Scientist-D, Integrated R.O,  
MoEF & CC, Ranchi

  
(Khagesh Chandra Jha)

DCLR, West, Muzaffar

  
23/06/22  
(A. K. Sinha)

A. E. E. (HQ), BSPCB, Pat

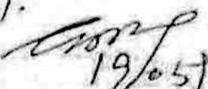
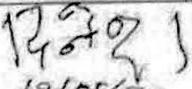
  
23/06/22  
(Sain Kumar)

R.O., BSPCB, Muz

Site visit of the Joint Committee as per orders of the Hon'ble NGT in O.A. No. 181/2022 in the matter of Dinesh Prasad Chaurasia & other Vs State of Bihar regarding complaint received against Kanti Bijali Utpadan Nigam Limited, Muzaffarpur.

Date: 19.05.2022

Sl. No.	Name and Designation of Members	E-mail ID & Mobile no.	Signature
1.	Sri S. Chandrasekar, Member Secretary, BSPCB.	<a href="mailto:msbspcb-bih@gov.in">msbspcb-bih@gov.in</a>	—
2.	Sri T.H. Mahato, Scientist-'D', Integrated R.O. MoEF&CC, Ranchi.	<a href="mailto:ro.ranchi_mef@gov.in">ro.ranchi_mef@gov.in</a> 9523425019	Torahub
3.	Sri Debabrata Das, Sc.-'B' CPCB, Eastern Regional Directorate, Kolkata.	<a href="mailto:debabratadas.cpcb@gov.in">debabratadas.cpcb@gov.in</a> 7001046716	—
4.	Sri Khagesh Chandra Jha, DCLR West, Muzaffarpur.	<a href="mailto:dclrwestmuz@gmail.com">dclrwestmuz@gmail.com</a> 8544412355	by
5.	Dr. Naveen Kumar, Board Analyst, BSPCB, Patna.	<a href="mailto:msbspcb-bih@gov.in">msbspcb-bih@gov.in</a> <a href="mailto:bspcb@yahoo.com">bspcb@yahoo.com</a> 9431425760	Blues
6.	Sri Anjani Kumar Sinha, AEE (HQ), BSPCB, Patna.	<a href="mailto:anjanikumarsinha600@gmail.com">anjanikumarsinha600@gmail.com</a> 9431079069	19/05/22
7.	Sri Sain Kumar, Regional Officer, BSPCB, Muzaffarpur.	<a href="mailto:bspcbregionalofficemuz1@gmail.com">bspcbregionalofficemuz1@gmail.com</a> 93011781866	19/5/22
8.	श्री अशोक पाठक अधीक्षक, अमिता जल निगम	7463 889909	19/05/22
9.	श्री विमानाजी सिंह जिला इन्सपेक्टर	9431818743	19/5/22
10.	श्रीमती रजनी जिला सहायक मुजफ्फरपुर	943191562	18/05/22
11.	श्री राजेश्वर अधीक्षक (कार्य) कान्ति	8544412683	19/5/22

Sl. No.	Name and Designation of members	E-mail ID & Mobile no.	Signature
12.	SHASHI SHEKHAR Assistant Director Agril. Engg.	adaengg.muz@gmail.com 8544588333	 18/05/22
13.	DR. Gitanishyaan M.D. D. A. H. V., MUZ	gitanishyaan63@gmail.com 9431456620	 19/05/22
14.	Dinesh Prasad Chauhan S/o Late Raxmi Chauhan Naranda	8862 826592	 19/05/22
15.			
16.			
17.			
18.			

## Annexure-4

Item No. 63

Court No. 1

**BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI**

Original Application No. 272/2019

Satyanarayan Sahni

Applicant(s)

Versus

State of Bihar

Respondent(s)

Date of hearing: 16.04.2019

**CORAM:****HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON  
HON'BLE DR. SATYAWAN SINGH GARBYAL, EXPERT MEMBER**Application is registered based on a compliant received by post**ORDER**

Allegation in this letter, which has been treated as an application is against pollution being caused by fly ash dump set up by thermal power plant at Village Kanti Nagar, District Muzaffarpur, Bihar causing damage to the public health, animal health and ecology in the area.

Let the District Magistrarte, Muzzafarpur and Bihar State Pollution Control Board look into the matter and take appropriate action in accordance with law and furnish a factual and action taken report in the matter within two months by e-mail at [ngt.filing@gmail.com](mailto:ngt.filing@gmail.com).

The nodal agency for compliance and coordination will be the Bihar State Pollution Control Board

A copy of this order, along with complaint, be sent to the District Magistrarte, Muzzafarpur and Bihar State Pollution Control Board by e-mail for compliance.

Needless to say that order of National Green Tribunal is binding as a decree of Court and non-compliance is actionable by way of punitive action including prosecution, in terms of the National Green Tribunal Act, 2010.

List the matter on 07.08.2019.

Adarsh Kumar Goel, CP

Dr. Satyawan Singh Garbyal, EM

April 16, 2019  
Original Application No. 272/2019  
AK

