

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO. 269 OF 2025

In the matter of: -

Association of Fly Ash Products

Manufacturers (AFAPM)

Applicant

Vs.

MoEF & CC & Ors.

Respondents

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1.	Response on behalf of Respondent No. 4 i.e. Central Pollution Control Board (CPCB) in compliance to Hon'ble NGT order dated 18.07.2025 in O.A No. 269/2025.	

Srinivas Vishven

(Filed by Adv. Srinivas Vishven)
On behalf of Central Pollution Control Board

Place: Delhi

Dated: 16.10.2025

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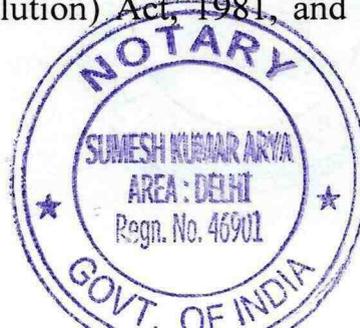
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**RESPONSE ON BEHALF OF RESPONDENT NO. 4,
CENTRAL POLLUTION CONTROL BOARD (CPCB)**

PRELIMINARY SUBMISSIONS:

1. That the Hon'ble National Green Tribunal, Principal Bench, New Delhi (hereinafter referred to as the "Hon'ble NGT") vide Order dated 18.07.2025 in Original Application (hereinafter referred to as "OA") No. 269/2025 has sought response from the respondents, including the Answering Respondent, Central Pollution Control Board (hereinafter referred to as "CPCB" or "Answering Respondent"), in the instant matter. Accordingly, the present response is being filed in compliance of the directions, as set forth in the succeeding paragraphs.
2. That the Answering Respondent herein i.e Central Pollution Control Board (CPCB), is a statutory Board constituted under Section 3 of The Water (Prevention and Control of Pollution) Act, 1974. It performs the functions under The Water (Prevention and Control of Pollution) Act, 1974, The Air (Prevention and Control of Pollution) Act, 1981, and The Environment (Protection) Act, 1986.



3. That the State Pollution Control Boards/Pollution Control Committees (hereinafter referred to as "SPCBs/PCCs") have been constituted in States /Union Territories under The Water (Prevention and Control of Pollution) Act, 1974, The Air (Prevention and Control of Pollution) Act, 1981, and are empowered to perform the functions and implement the provisions of these Acts in respect of territories falling in their Territorial Jurisdiction.
4. That at the very outset, the answering Respondent denies all claims, contentions, allegations, and averments against the answering Respondent CPCB in the above OA contrary to anything stated or submitted in this reply. Nothing in these OA may be deemed to have been accepted or admitted by the answering Respondent for want of a specific denial, save any averment which has been expressly admitted hereinafter.

REPLY TO THE ORIGINAL APPLICATION:

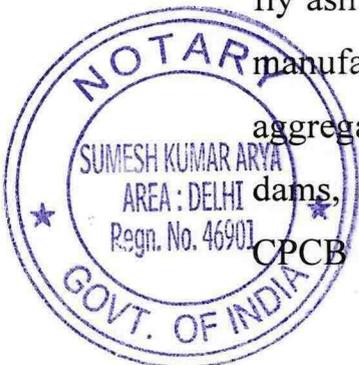
5. That the present OA has been filed by the applicant, raising questions over the various provisions of the Ash Utilization Notification dated 31.12.2021 and subsequent amendments thereunder vide dated 30.12.2022 and 01.01.2024 (hereinafter referred to collectively as "Ash Utilization Notification") issued by the Ministry of Environment, Forest and Climate Change (hereinafter referred to as "MoEF&CC") and the applicant has also prayed the Hon'ble NGT for issuance of directions to the MoEF&CC to make suitable amendments in such notifications.

6. That the averments made in the present OA under paragraph Nos. 1 to 3 are related to the Applicant; paragraph No. 4 is related to the directions sought by the applicant from Hon'ble NGT for amendments in the Ash



Utilization Notification; paragraph Nos. 5 to 10 are related to the applicant's previously filed Application before the Hon'ble NGT (i.e. OA No. 436 of 2023) in a similar matter and the guidelines issued by the Ministry of Power vide dated 15.03.2024 in compliance with the provisions of the Ash Utilization Notification for coal or lignite based Thermal Power Plants (hereinafter referred to as "TPPs") to supply fly ash to the user agencies; paragraph Nos. 11 to 15 are related to the brief of the provisions of the earlier Ash Notification dated 14.09.1999 (as subsequently amended) as per the Applicant and comparison from the recent Ash Utilization Notification. In this regard, it is respectfully submitted that these averments are a matter of record requiring adjudication by the Hon'ble NGT and need no specific response from the Answering Respondent.

7. That the averments made in paragraph No. 16 of the OA are related to the observations and understanding of the Applicant that fly ash is a hazardous substance/waste requiring proper disposal and management as per law made by the MoEF&CC, and that the Ministry of Power's guidelines dated 15.03.2024 are ultra vires the applicable statutory framework. That the MoEF&CC, since 14.09.1999, has from time to time issued notifications prescribing regulations for scientific and eco-friendly management and utilization of ash generated by TPPs, considering the quantum of ash generated and its utilization potential as a raw material in various gainful purposes. As per the Ash Utilization Notification 2021, fly ash generated from the TPPs is used in various applications such as manufacturing of cement, fly ash based bricks/ blocks/ tiles and aggregates, construction of buildings, roads and flyover embankments, dams, shoreline protection structures in coastal districts, etc. Besides, CPCB has also issued comprehensive guidelines for management,



disposal, transportation, and utilization of ash in eco-friendly manner along with the guidelines on design, construction, O&M and annual certification of ash ponds/dykes, which are available on CPCB website.

8. That the averments made in paragraph Nos. 17 and 18 of the OA are related to the observations and comments of the applicant about the validity of the Ministry of Power's guidelines dated 15.03.2024 and alleged inconsistencies in the same, relevant provisions of the Ash Utilization Notification 2021, and allegations about ineffective enforcement of specific provisions of the said notification by the concerned authorities. In this regard, it is respectfully submitted that the Ash Utilization Notification 2021 specifically prescribes the roles and responsibilities of different Central/ State/ Local authorities for the enforcement of relevant provisions of the notification, and the responsibility to promote and encourage the use of ash and ash-based products in construction activities pertains to the local authorities of the State administration. Besides, other allegations regarding the validity of the Ministry of Power's guidelines dated 15.03.2024 and alleged inconsistencies in these guidelines require comments from the other concerned Respondents.
9. That the averments made in paragraph Nos. 19 to 23 of the OA are related to the benefits of fly ash based bricks over the traditional red bricks, estimated numbers and type of brick kilns in the country, and alleged infirmities in the Ash Utilization Notification issued by the MoEF&CC, which do not require specific comments from the Answering Respondent herein.



10. That the averments made in the succeeding paragraph comprising Grounds, Limitations, and Prayers requiring adjudication by the Hon'ble NGT, need no specific response from this Answering Respondent.

11. That the Answering Respondent No. 4 craves leave of this Hon'ble Tribunal to file an additional reply, if required, in the future.

12. That in view of the above, it is respectfully prayed that this Answering Respondent No. 4 will abide by any order(s)/direction(s) passed by the Hon'ble NGT.

P. Gargava

(Prasoon Gargava)
Scientist 'F'

Central Pollution Control Board
16.10.2025



Prasoon Gargava / प्रसून गार्गवा
Central Pollution Control Board
Ministry of Environment, Forest & Climate Change, Govt. of India
Sector 17, Connaught Place, New Delhi - 110028

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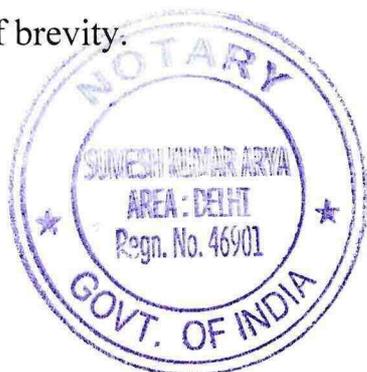
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AFFIDAVIT

I, **Prasoon Gargava**, working as Scientist 'F' in Central Pollution Control Board, Parivesh Bhawan, East Arjun Nagar, Delhi, the Respondent No. 4 in the above matter, do hereby solemnly affirm, declare on oath and state as under:-

1. That I, the deponent herein, am well conversant with the facts and circumstances of the present case on the basis of the information derived from the official records, and hence, I am competent to verify, sign and swear this affidavit on behalf of the Respondent CPCB.
2. That the accompanying reply may be read as part and parcel of the present affidavit.
3. That the accompanying reply has been drafted and filed under my instructions and authority, and the contents thereof are true and correct on the basis of the record maintained during the ordinary course of business of CPCB and available records and documents, and the contents of the same are read over and explained to me and are not repeated herein for the sake of brevity.



P. Gargava
DEPONENT

प्रसून गार्गव / Prasoon Gargava
वैज्ञानिक 'एफ' एवं प्रभाग प्रमुख (आई.पी.सी.-II) / Scientist 'F' & Divisional Head (IPC-II)
केंद्रीय प्रदूषण नियंत्रण बोर्ड
Central Pollution Control Board
(पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार)
(M/o Environment, Forest & Climate Change, Govt. of India)
परिवेश भवन, पूर्वी अर्जुन नगर, दिल्ली-110032
Parivesh Bhawan, East Arjun Nagar, Delhi-110032

VERIFICATION:

Verified at New Delhi on this _____ day of _____ 2025 that the contents of the above reply are correct and true on the basis of the records of the case as mentioned in the day-to-day affairs of the CPCB. Nothing has been concealed therefrom or mis-stated.

P. Gargava

DEPONENT

प्रसून गार्गव / Prasoon Gargava
वैज्ञानिक 'एफ' एवं प्रभाग प्रमुख (आई.पी.सी.-II) / Scientist 'F' & Divisional Head (IPC-II)
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Parivesh Bhawan, East Arjun Nagar, Delhi-110032

ATTESTED

[Signature]
NOTARY PUBLIC, DELHI
GOVT. OF INDIA



16 OCT 2025