

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

I.A. NO. 331/2022

IN

O.A. NO. 1002/2018

IN THE MATTER OF:

Abhisht Kusum Gupta ...Applicant

Versus

State of Uttar Pradesh & Ors. ...Respondents

AND IN THE MATTER OF:

NTPC Ltd. ...Applicant / Respondent No. 11

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THROUGH




ADARSH TRIPATHI & VIKRAM SINGH BAID

ADVOCATES FOR THE APPLICANT

G-34, Basement, Lajpat Nagar-III New Delhi

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NEW DELHI

DATED: 01.07.2024

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**REJOINDER ON BEHALF OF THE RESPONDENT
NO. 11 TO THE REPLY FILED BY NOIDA**

Most Respectfully Showeth:

1. That the captioned Application has been preferred by the Applicant NTPC Ltd. seeking recalling and modification of the Order dated 03.08.2022 to the extent that it directs NTPC Ltd. to abide by the Memorandum of Understanding dated 14.06.2018 between the Applicant NTPC and NOIDA Authority for supply of 90 MGD secondary treated sewage water for NCTPP-Dadri for non-potable purposes on payment basis.
2. The present Rejoinder is being filed on behalf of the Applicant by Mr. Rajiv Kumar Verma, Deputy General Manager (FES) Emp No: 100439, who has been authorized vide Authority Letter dated 13.03.2024.

Rajiv Kumar Verma

3. That in furtherance of the directions of the Ministry of Power, a Memorandum of Understanding dated 14.06.2018 was signed between NOIDA Authority and the Applicant herein for supply of secondary treated sewage water to NCTPS, Dadri. However, the Central Electricity Authority (“CEA”) identified critical issues in implementation of the proposed plan at certain plants and further allowed exemptions to these power plants on account of non-feasibility.
4. From the deliberations, it had emerged that the proposed use of treated sewage water in thermal power plants is not possible for all geographical locations. One such example that emerged was of the Dadri region where the Applicant has three units. Of the 3 units namely NCTPP-I, NCTPP-II and DGPP; the NCTPP-I has completed its life and DGPP is mostly non-operational. Therefore, the use of treated sewage water was envisaged only for the NCTPP-II which has also already completed 12 years of its life.
5. It is submitted that apart from the aforesaid issues of implementation, other issues had also cropped up in regard to the feasibility of the proposed use of treated sewage water such as Quantity and Quality of treated sewage to be provided by Municipal/ Local Bodies, Cost of treated sewage (either free or less than the cost of water supply) Residual life of the plant, Plant Load

R. W. S. M. S.

Factor and Type of Cooling System/ Source of Cooling Water (Sea Water/ Fresh Water).

6. It is submitted that a Meeting was held on 28.12.2022 amongst various Power Plants, CEA, Ministry of Jal Shakti and Ministry of Power along with other authorities, to discuss the use of STP in Power Plants and exemption to be granted, if any, on the basis of technical constraints. In the Meeting it was recorded at Serial XVI that NTPC Dadri may be exempted from linking with STP as laying of pipelines would increase the cost disproportionately and is expected to be 30 Paise per Kwh. The true copy of the Minutes of Meeting dated 28.12.2022 is annexed and marked herewith as **Annexure A10**.

PARA WISE REPLY

7. The contents of **Paras 1 to 3** are admitted upto the averments made therein that are a matter of record and rest everything else is wrong and denied.
8. The contents of **Para 4** are admitted upto the averments made therein that are a matter of record and rest everything else is wrong and denied. It is submitted that Further the above said MoU was entered into for preparation of entire detailed project report, arranging ROW and complete execution of laying of pipeline for supply of treated sewage water.

Rwerns

9. The contents of **Para 5** are admitted upto the averments made therein that are a matter of record and rest everything else is wrong and denied. It is submitted that in the meeting dated 05.09.2022, NTPC had specifically mentioned that it did not have the requisite documents in relation to the MoU between NTPC, NOIDA and UPJN. However, Ministry of Power along with other relevant Ministries and Departments have reviewed the issue at hand time and again as can be seen from the Minutes of Meeting dated 28.12.2022 and has exempted certain Power Plants from the use of STP for technical difficulties and the disproportionate costs that the end consumer would have to bear in case the usage of STP is mandatorily enforced. Therefore, selective reading of only one Minutes of Meeting dated 05.09.2022 without taking into account the subsequent development and observations will not imply that the Applicant's Plant has to use STP.
10. The contents of **Paras 6 to 7** are admitted upto the averments made therein that are a matter of record but the contents of the letters being brought on record are wrong and denied. It is submitted that the Applicant had filed IA 331 of 2022 on 09.12.2022 after which this Hon'ble Court was seized of the said issues. Therefore, there was no occasion or reason for the Applicant NTPC to respond to every communications of NOIDA.

Rwerng

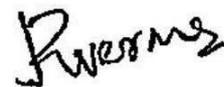
However, the responses of the Applicant NTPC vide communications dated 01.12.2022, 17.05.2023, 29.08.2023 are annexed and marked herewith as **Annexure A11 (Colly)**.

11.It is submitted that the statutory obligation and the signing of MOU is admitted however in the light of the subsequent developments and exemption from the concerned Ministry under whose aegis the MOU was signed in the first place, the use of STP cannot be in the wake of burdening the end consumer.

12.It is submitted that anything not specifically admitted herein shall be deemed to be denied. The Applicant craved leave and reserves its right to make further submissions at the time of hearing, subject to the leave of this Hon'ble Court. In view of the aforesaid facts and contentions, the Applicant prays that this Hon'ble Court may allow the prayer as sought in the Application.

PRAYER

In view of the facts and circumstances mentioned herein above and the submissions made, the Applicant / Petitioner prays that the Hon'ble High Court may be graciously pleased to allow the application and the directions prayed for therein.



APPLICANT

THROUGH



ADARSH TRIPATHI & VIKRAM SINGH BAID

ADVOCATES FOR THE APPLICANT

G-34, Basement, Lajpat Nagar-III New Delhi

9090416535/9425308454

adarsht912003@gmail.com

NEW DELHI

DATED: 01.07.2024

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...Respondents

AND IN THE MATTER OF:

NTPC Ltd.

...Applicant / Respondent No. 11

I, Rajiv Kumar Verma, aged about 50 years, working as Deputy General Manager (FES), Emp No. 100439 with the Applicant Company, having its registered office at NTPC Bhawan, SCOPE Complex, 7 Institutional Area, Lodhi Road, New Delhi - 110003, do hereby solemnly declare and affirm as under:-

- 1) That I am the Applicant in the above-mentioned Application and am well conversant with the facts of the case and thus competent to depose the present affidavit.
- 2) That the accompanying Rejoinder has been drafted by my counsel as per my instructions and has been read over and explained to me and the same is correct to the best of my knowledge.
- 3) I say that the Annexures to the Rejoinder are true copies of their respective originals.



Rajiv Kumar Verma

Ramesh

DEPONENT

राजीव कुमार वर्मा
RAJIV KUMAR VERMA
उप महाप्रबंधक (एफ.ई.एस.)
Dy. General Manager (FES)
एनटीपीसी लि०-दादरी/NTPC Ltd.-Dadri

VERIFICATION

I, the above deponent do hereby verify that the contents of my above affidavit are true and correct to my knowledge and belief and is based on the records available in my office. No part of the affidavit is false and nothing material has been concealed therefrom.

Verified at New Delhi on this 01 JUL 2024 day of June, 2024

[Signature]
I identified the Deponent who has signed/thumb impression before me

Ramesh

DEPONENT



CERTIFIED THAT THE CONTENTS EXPLAINED TO THE DEPONENT EXECUTANT WHO IS SEEMED PERFECTLY TO UNDERSTAND, AFFIRMED & DEPOSED BEFORE ME AT NEW DELHI

राजीव कुमार वर्मा
RAJIV KUMAR VERMA
उप महाप्रबंधक (एफ.ई.एस.)
Dy. General Manager (FES)
एनटीपीसी लि०-दादरी/NTPC Ltd.-Dadri

[Signature]
I IDENTIFY THE EXECUTANT/DEPONENT WHO HAS SIGNED IN MY PRESENCE
VINOD KUMAR TIWARI, Advocate, Reg. No. 214/16/2020
NOTARY PUBLIC (NEW DELHI)

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01 JUL 2024

ANNEXURE A10



9

No. 11/24/2022-Th.II
Government of India
Ministry of Power

Shram Shakti Bhawan, Rafi Marg,
New Delhi, dated 10th January, 2023

OFFICE MEMORANDUM

Subject: Minutes of Meeting chaired by Secretary (Power) on 28.12.2022 at 11:00 AM in Shram Shakti Bhawan, Ministry of Power in Hybrid mode on use of STP water in Thermal Power Plants -reg

The undersigned is directed to forward herewith Minutes of Meeting held under the Chairmanship of Secretary, Ministry of Power on 28.12.2022 at 11:00 AM to discuss the use of Sewage Treated Water by Thermal Power Plants for information and further necessary action.


10/1/23

(J. Misra)

Under Secretary to Govt. of India
Tele: 23063746

To,

1. Chairperson, CEA [chair@nic.in]
2. CMD, NTPC [cmd@ntpc.co.in]
3. DG, NMCG [dg@nmcg.nic.in]
4. Principal Secretary (Energy), Govt. of Haryana [powersecy-hp@nic.in]
5. Principal Secretary (Energy), Govt. of UP [psenergyup@gmail.com]
6. Principal Secretary (Energy), Govt. of Jharkhand
[psec.energy@gmail.com]
7. Principal Secretary (Energy), Delhi [pcpower@nic.in]
8. Principal Secretary (Energy), Bihar [energy@bihar.gov.in]
9. Principal Secretary (Energy), West Bengal [powersecy@wb.gov.in]
10. Principal Secretary (Energy), Govt. of Chhatisgarh [secy-energy.cg@gov.in]
11. Principal Secretary (Water Resources), Govt. of Haryana
[fciwrd@gmail.com]
12. Principal Secretary (Water Resources), Govt. of UP [psecup.irrig@nic.in]


//True Copy//

13. Principal Secretary (Water Resources), Govt. of Jharkhand
[sec_wrd_jhr@nic.in]
14. Principal Secretary (Water Resources), Delhi [ceodelhi.djb@nic.in]
15. Principal Secretary (Water Resources), Bihar [wrd-bih@bih.nic.in]
16. Principal Secretary (Water Resources), West Bengal [psecy.wridd-
wb@gov.in]
17. Principal Secretary (Water Resources), Govt. of Chhatisgarh [secy-
 wrd.cg@gov.in]
18. CMD, IPGCL (For Pragati CCGP and Pragati-III CCGP), Delhi
[mukeshipj@yahoo.co.in]
19. CMD, HPGCL, Haryana [md@hpgcl.org.in]
20. CMD, THDC [cmd@thdc.co.in]
21. CMD, UPRUVNL, UP [cmd@upruvnl.org]
22. CMD, NUPPL, UP (For Ghatampur TPP)[cmd@nlc.india.in,
ceo.nuppl@nlcindia.in]
23. CMD, CESC, West Bengal [bhaskar.ganguly@rpsg.in]
24. CMD, Aparva-CLP, Haryana (For Mahatma Gandhi TPS)
[jaya.sharma@clpindia.in]
25. CMD, RVUNL, Rajasthan (For Kota TPS) [fmzktps@rediffmail.com]
26. Chairman, DVC, Kolkata (For Bokaro B TPS) [chairman@dvc.gov.in]
27. CMD, WBPDC, West Bengal (For Sargadighi, Bandel, Kolaghat and
Southern Repl. TPS)[s.maity@wbpdcl.co.in]
28. CMD, Reliance Power (For Rosa TPS, UP)
[jatinder.uppal@relianceada.com]
29. CMD, Adhunik Power (For Mahadev Prasad TPS), Jharkhand
[subhashjetly@gmail.com]
30. CMD, SJVNL (For Buxar TPP, Bihar) [sectt.cmd@sjvn.nic.in]
31. Tata Power JV (For Prajyagraj Bara, TPS),
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39. CEO, KMDA [ceokmda@gmail.com]
40. Chief Engineer, PHED, Haryana [eicphed@phedharyana.gov.in]

Copy to:

Sr. PPS to Secretary (Power)/ PS to JS (Thermal)/ DS (DVC/Th.)



//True Copy//

Minutes of Meeting chaired by Secretary (Power) on 28.12.2022 at 11:00 AM in Shram Shakti Bhawan, Ministry of Power in Hybrid mode on use of STP water in Thermal Power Plants

List of participants is **annexed**.

2. Secretary (Power) welcomed the participants. At the outset, Secretary (Power) mentioned that as per National Tariff Policy, all Thermal Power Plants were mandated to use STP water if located within 50 KM radius of STP. Any exemption could be considered only on the basis of technical constraint or exorbitantly high cost making tariff unsustainable. He further emphasized that Clean Ganga is a National Mission and Thermal Power Plants should actively play their part in making river Ganga cleaner. He also briefed that the Hon'ble Prime Minister shall be reviewing the progress on the matter on 30th December 2022.

3. Sewage Treatment Plant (STP) and Thermal Power Station (TPS)-wise discussions were held as follows:

i) **Name of TPS:** Barh TPS St-II (NTPC Ltd)

Name of STP: Barh STP

Status and Recommendation:

It was informed that STP was being renovated by BUIDCO to increase the capacity from present 4MLD to 8 MLD (Cap 11MLD after 15 years) to meet NGT guidelines. BUIDCO prepared and submitted the DPR to link STP and TPP to NTPC. NTPC had some observations on DPR w.r.t. Opex.

Secretary (P) directed NTPC to use the available water from STP. Further, it was directed that senior officials of NTPC must visit BUIDCO and **finalize the DPR and sign MoU by 15th Jan 2023**. NTPC can then make payment to BUIDCO to initiate construction activities for the 4 km linkage between STP and TPP. **Targeted work completion date is 1st April 2025**.

BUIDCO mentioned that there were two more STPs within 50 km at Mokama and Bakhtiyarpur which could also be linked with Barh. Secretary(P) directed to examine their feasibility separately.

ii) **Name of TPS:** Prayagraj Bara TPS (Tata Power-JV)

Name of STP: Naini STP

Status and Recommendation:

It was informed that PFR prepared by UP Jal Nigam was sent to Genco and pending for approval of Genco. Secretary (P) advised Genco to approve the PFR by 1st week of Jan 23 and then Discom to give consent by end of Jan 23.


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Construction activities to start by Apr '23 and usage of STP water to start by Apr '25.

iii) **Name of TPS:** Meja TPS (NTPC-Jv)

Name of STP: Naini STP

Status and Recommendation:

- It emerged that available water from Naini STP would be used in Bara TPS which is located closer to STP than Meja. Further, Meja TPS is located across the river from STP whereas, Bara and STP are in same side of the river. Taking into consideration these facts, it was recommended that **Meja TPS may be exempted from linking with the STP.**

iv) **Name of TPS:** DCR Yamunanagar TPS (HPGCL)

Name of STP: Parwalo & Badi Majra STPs

Status and Recommendation:

- It was informed that GoHR has mandated all TPSs in Haryana to use STP water and asked PHED to supply STP water at TPS door step.
- PHED informed that DPR preparation is under progress and is expected by June '23.
- It was clarified that prior approval of SERC is not required.
- **Work completion of linking STPs with TPS at Yamuna Nagar by December 2025.**

v) **Name of TPS:** Panipat TPS

Name of STP: Panipat STP

- Secretary (P) advised PHED to examine feasibility in Panipat TPS as the unit residual time was less than 10yrs.

vi) **Name of TPS:** CLP Jhajjar- Aprava TPS

Name of STP: Chakri Dadri STP

- It was observed that approximate available STP water was very less (3.5 MLD against requirement of 100 MLD). Therefore, it was recommended that **CLP-Jhajjar may be exempted from linking with the STP.**

vii) **Name of TPS:** Indira Gandhi- NTPC JV Jhajjar TPS

Name of STP: Kosli STP



- It was informed that water availability is only 3.5% of requirement. Therefore **NTPC Jhajjar may be exempted from linking with the STP.**
- **Secretary (P) further directed Thermal div. to write a letter to CERC, informing that no permission was required to be given by CERC to TPSs for tariff revision on account of costs borne by TPS for STP linkage as this was already mandated in Tariff Policy.**

viii) **Name of TPS:** Panki TPS (UPRVUNL)

Name of STP: Bingawan STP

Status and Recommendation:

- STP is operational and TTP is expected to be available by March 2023.
- COD for the TPS is expected in July, 2023. **Therefore, use of STP water is expected by July 2023.**

ix) **Name of TPS:** Korba TPS (NTPC Ltd)

Name of STP: Korba STP

Status and Recommendation:

- Commissioner, Korba informed that the DPR was approved and has been sent for State Govt approval. MoU with NTPC is expected to be signed within 1st week of Jan 2023, work order issue by Aug'23 and **expected completion of work by 1st April 2025.**

x) **Name of TPS:** Ghatampur TPP (NUPPL)

Name of STP: Bingawan STP

Status and Recommendation:

- Due to river crossing, **Ghatampur TPP may be exempted from linking with STP.**

xi) **Name of TPS:** Kahalgaon TPS (NTPC Ltd)

Name of STP: Bhagalpur STP

Status and Recommendation:

- It was informed that existing STP was being dismantled and new STP would be constructed. NTPC mentioned that as per estimates, tariff may rise by 20.20 paise/Kwh as land acquisition would be involved. Further, highway/Rail/city crossings are involved.



- **Secretary (P) opined that decision on this may be taken after PFR is available in April 2023.**

xii) Name of TPS: Khurja TPS (THDC Ltd)

Name of STP: Bulandshahar STP

Status and Recommendation:

- 20 MLD available from STP (Cap: 40MLD)
- **Secretary (P) instructed Khurja TPS to sign MoU and make payment to UP Jal Board for DPR preparation by 7th Jan 2023.**
- **DPR is to be prepared by March 2023 and project completion by 1st July 2025.**

xiii) Name of TPS: Harduaganj TPS (UPRVUNL)

Name of STP: Aligarh STP

Status and Recommendation:

- UP Jal Nigam informed that the 1st STP of 40 MLD will be completed by March 2023. Approval for 2nd STP is with NMCG
- Secretary (P) advised NMCG to fast-track the 2nd STP approval. The revised DPR by Jal Nigam may include both the STPs and TTPs to be implemented in a phased manner. **Target date for completion is June 2025.**

xiv) Name of TPS: Budge-Budge TPS (CESC)

Name of STP: Maheshthala STP

Status and Recommendation:

- KMDA informed that route from STP to TPS is very congested due to lines from other utilities.
- 2 units have completed 25 years.
- Due to path congestion and huge RoW issue, it was recommended that **Budge-Budge TPS may be exempted from linking with the STP.**

xv) Name of TPS: Kota TPS (RVUNL)

Name of STP: Sajidhera STP



Status and Recommendation:

- As the TPS is on the other side of the river, **therefore Kota TPS may be exempted from linking with the STP.**

xvi) Name of TPS: Dadri TPS (NTPC)

Name of STP: NOIDA STP

Status and Recommendation:

- It was informed that laying pipeline would disproportionately increase cost as one river crossing, 2 Highway crossings, Rail crossing and densely populated area would be involved. Cost increase is expected to be 30 P/Kwh. Considering all factors, it was recommended that **Dadri TPS may be exempted from linking with the STP.**

xvii) Name of TPS: Bokaro B TPS (DVC)

Name of STP: BOKARO STP

Status and Recommendation:

- It was informed that linking with nearest STP involves hilly terrain of 56KM which also includes crossing Damodar river. As a result, cost increase would be 27p/Kwh.
- It was recommended that **Bokaro TPS may be exempted from linking with the STP.**

xviii) Name of TPS: Rosa TPS (Reliance Power)

Name of STP: Shahjahanpur STP

Status and Recommendation:

- UP Jal Nigam shared that the STP was under construction and is expected to be operational by March 2023.
- Secretary (P) advised that **PFR may be submitted by 31st March 2023 to TPS by Jal Nigam.**

xix) Name of TPS: Mahadev Prasad TPS (Adhunik Power)

Name of STP: Adityapur STP

Status and Recommendation:


STP is located at 20 km distance from the TPS and expected to be ready by June 2024.

Secretary (P) advised JUIDCO to undertake feasibility study and share it with TPS by March '23.

xx) Name of TPS: Sagardighi TPS (WBPDCCL)

Name of STP: Berhampore STP

Status and Recommendation:

- As the TPS is on the other side of the river, **therefore Sagardighi TPS may be exempted from linking with the STP.**

xxi) Name of TPS: Bandel TPS (WBPDCCL)

Name of STP: Bhatpara STP

As the units are more than 30 years old, it was recommended to exempt Bandel TPS.

xxii) Name of TPS: Kolaghat TPS (WBPDCCL)

Name of STP: Howrah STP

WBPDCCL informed that units are more than 30 years old. Further, river crossing is involved. Considering the above, it was recommended to exempt Kolaghat TPS.

xxiii) Name of TPS: Southern Repl TPS (CESC)

Name of STP: Garden Reach STP

As units are more than 30 years old, it was recommended to exempt this TPS.

4. Further, UP Jal Nigam submitted that Jawaharpur TPS (UPRVUNL) and Unchachar TPS (NTPC) have been approached by them for linkage from Etah STP and Raibareilly STP respectively. TPSs have not reverted. Secretary (P) advised NMCG to take note and co-ordinate with the agencies. He further advised that NMCG may consider taking into account all the STPs which are operational or under construction in Ganga basin, irrespective of who is funding it so that all information is available at a single place which could be used to map TPSs within 50 KM and share the information with MoP for further action.

Meeting ended with the Vote of Thanks to Chair.



//True Copy//

List of Participants

1. Shri Alok Kumar, Secretary (Power), MoP.....In chair
2. Shri Piyush Singh, Joint Secretary (Thermal), MoP
3. Shri Suman Majumdar, Deputy Secretary, MoP
4. Shri Ghanshyam Prasad, Chairperson, CEA
5. Shri Praveen Gupta, Member (Thermal), CEA
6. Shri U K Bhattacharya, Director (Projects), NTPC
7. Shri Madhava Kumar R, Economic and Financial Advisor, NMCG
8. Sh. Mohammed Shayin, MD, HPGCL, Haryana
9. Shri Kumar Sharad, CGM, THDC
10. Shri P Guruprasad, MD, UPRUVNL
11. Shri Santosh C S, CEO, NUPPL
12. Shri Avijit Hazra, CESC
13. Shri Prabhakar Pandey, Commissioner, Korba
14. Shri Rajan Tiwari, Aprava-CLP
15. Shri Virendra Singh, RVUNL, Rajasthan
16. Shri R N Singh, Chairman, DVC, Kolkata
17. Shri Sourav Nayak, WBPDC
18. Shri Rakesh Kumar Bansal, Director (Electrical), SJVNL
19. Shri Sanjay Bhargava, Tata Power
20. Shri Anil Kumar, MD, Uttar Pradesh Jal Nigam
21. Shri Pankaj Ranjan Jha, Uttar Pradesh Jal Nigam
22. Shri Dharmendra Singh, MD, BUIDCO, Bihar
23. Shri Alok Kumar Mandal, DGM, JUIDCO
24. Shri Prantik Ray, CE (Gas Sector), KMDA
25. Shri Rakesh Kumar, Chief Engineer, PHED, Haryana
26. Shri I C Thakur, Engineer In Chief, WRD, Bihar
27. Shri Ashok Kumar Khewaria, EE, UP Jal Nigam




3347

ANNEXURE A11 (Colly)

18

Ref: 01/CP/P&CA/State Ref/2022-23

Dated: 01.12.2022

Shri Manvendra Singh
Additional Chief Executive Officer
New Okhla Industrial Development Authority (NOIDA)
Administrative Complex Sector 6
Noida - 201301
Uttar Pradesh

Sir,

Subject: NTPC comments on New Okhla Industrial Development Authority (NOIDA) letter regarding use of Sewage treated water at NTPC Dadri

This is with reference to email dated 17.10.2022, enclosing letter no. 1248 dated 17.10.2022 on subject matter.

In this regard, NTPC comments are enclosed as **Annexure**.

Yours Sincerely,

Sd/-

(Vinod S Bhoyar)

Addl. General Manager (CP)


//True Copy//

It is respectfully submitted that the Hon'ble NGT order dated 03.08.2022 was communicated to NTPC for the first time as NTPC was never a party before the Hon'ble NGT and that no other party had communicated with us until now. Also, it is noted that the use of treated sewage in Thermal Power Plants is a proactive step taken by Ministry of Power towards water conservation and to make the scheme techno-commercially viable. The notification regarding the same was issued on 28.01.2016 under Electricity Act, 2003. Accordingly, NTPC had initiated activities towards exploring the feasibility of the use of treated sewage and signed an agreement with NOIDA (New Okhla Industrial Development Authority) and MOU with UPJN (Uttar Pradesh Jal Nigam).

However, since then, the technical, economic and commercial aspects of the use of treated sewage water have been under detailed deliberation between CEA, MoP, NTPC/ other Power Utilities and National Mission on Clean Ganga (NMCG) from time to time.

During the deliberations, a number of issues have emerged related to feasibility of the use of treated sewage in power plants, such as:

- Quantity and Quality of treated sewage water to be provided by Municipal/ Local Bodies
- Cost of treated sewage water (either free or less than the cost of water supply)
- Residual life of the plant.
- Plant Load Factor
- Type of Cooling System/ Source of Cooling Water (Sea Water/ Fresh Water)
- Location of Power Plant with respect to STP (Distance and River Crossings)

A detailed analysis of NTPC Dadri Project based on the above parameter indicate several constraints in using the treated sewage water from NOIDA, which is as below, and NTPC is also taking necessary steps to put the same before Hon'ble NGT:

1. NTPC-Dadri has three stages: NCTPP-I (4x210 MW), NCTPP-II (2x490 MW) and DGPP (830 MW). NCTPP-I has already completed its life and DGPP has extremely low PLF and mostly non-operational and the same has also completed its design life. Even NCTPP-II has completed 12 years of life. Further, due to high level of ash utilisation/ dry ash disposal system at Dadri, the water requirement is less. Therefore, the project could utilise only a small fraction of the total quantity of sewage treated water generated.
2. The quality of secondary treated water of NOIDA STP does not meet prescribed standards. Further, since the secondary treated sewage water is having very high TDS and chloride level, the power plant needs to set up filtration and RO system to make it suitable for use in power plant resulting in high cost of treated water and consequential adverse impact on tariff.
3. High TDS values in secondary treated water imposes additional difficulty in handling reject from UF-RO system and ultimately difficulty in complying with ZLD Norms as per MOEF&CC Notification dated 07.12.2015 as reject water after High TDS water filtration is unsuitable for use in Power Plant.
4. The estimated capital cost of Treatment (including UF-RO), pipeline and bridge across Hindon river is exorbitantly high as compared to quantity of sewage likely to be used and the residual life of plant. Moreover, the cost of treated sewage water shall also be very high.

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5. During the MoP review meeting dated 20.04.2022 and 28.04.2022, which was attended by MoP, CEA, NMCG, UP Jal Nigam and other Power Utilities; all the power projects across the country were reviewed and the list of projects where treated sewage water can be utilised were identified. NTPC Dadri was not identified in the list in view of the constraints mentioned above. 20

In view of above facts/policy developments, the use of treated STP water at NTPC Dadri is found to be techno-economically not feasible and hence the agreement needs to be revisited.

It is pertinent to mention that NTPC was not a party in the cited matter owing to which NTPC could not make its above mentioned submissions before the Hon'ble NGT, and in view of the facts and subsequent policy developments regarding exemption from the provisions under the Tariff Policy, 2016 for its Dadri Project, NTPC intends to take necessary action for bringing these facts and circumstances to the notice of Hon'ble Tribunal, and further seeking appropriate modification of the Hon'ble NGT Order dated 03.08.2022.

NTPC shall keep NOIDA apprised with all the developments in this regard from time to time.

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//True Copy//

Shri Jitendra Mishra
Under Secretary to the Govt
Ministry of Power
Shram Shakti Bhawan
New Delhi – 110001

Sir,

Subject: NTPC comments on New Okhla Industrial Development Authority (NOIDA) letter regarding use of Sewage treated water at NTPC Dadri

Please refer to email dated 28.04.2023, enclosing NOIDA letter no. 1574 dated 27.03.2023, seeking comments on the subject matter.

In this regard, NTPC comments are enclosed as **Annexure**.

Yours Sincerely,

Sd/-

(Vinod S Bhoyar)

Addl. General Manager (CP)

The use of treated sewage in thermal power plants is a proactive step taken by Ministry of Power towards water conservation and to make the scheme techno-commercially viable. The notification regarding the same was issued on 28.01.2016 under Electricity Act, 2003. Accordingly, NTPC had initiated activities towards exploring the feasibility of the use of treated sewage and signed an agreement with NOIDA (New Okhla Industrial Development Authority) and MoU with UPJN (Uttar Pradesh Jal Nigam).

However, since then, the technical, economic, and commercial aspects of the use of treated sewage water in TPPs have been under detailed deliberation between CEA, MoP, NTPC/ other Power Utilities and National Mission on Clean Ganga (NMCG) from time to time.

During the deliberations, several issues have emerged related to feasibility of the use of treated sewage in power plants, such as:

- Quantity and Quality of treated sewage water to be provided by Municipal/ Local Bodies
- Cost of treated sewage water (either free or less than the cost of water supply)
- Residual life of the plant.
- Plant Load Factor
- Type of Cooling System/ Source of Cooling Water (sea water/ freshwater)
- Location of Power Plant with respect to STP (distance and river crossings)

MoP, vide letter dated 10.01.2023 (attached as **Annexure-I**), recommended that the use of treated STP water at NTPC Dadri is not techno-economically feasible and Dadri TPS be exempted from linking with the STP.

NTPC, vide letter dated 01.12.2022 to CPCB and NOIDA (attached as **Annexure-II**), submitted that NTPC was not a party in the Hon'ble NGT order dated 03.08.2022 owing to which NTPC could not make its submissions before the Hon'ble NGT.

Also, NTPC, vide letter dated 01.12.2022 to CPCB (attached as **Annexure-II**), requested that the activities related to implementation of MoU and compliance of Hon'ble NGT order dated 03.08.2022 may kindly be kept in abeyance as appropriate steps are being taken to approach the Hon'ble Tribunal seeking modification of the order dated 03.08.2022. In furtherance of the same, NTPC has filed relevant applications to bring above-mentioned facts before the Hon'ble NGT and the matter is scheduled for hearing on 24.05.2023.

In view of the above submissions, facts/policy developments and considering that the matter is pending before the Hon'ble NGT, Noida Authority has been requested that the implementation of MoU may kindly be kept in abeyance.

NTPC shall keep Ministry of Power and NOIDA apprised of all the developments in this regard from time to time.

---X---

Shri Manvendra Singh
Additional Chief Executive Officer
New Okhla Industrial Development Authority (NOIDA)
Administrative Complex Sector 6
Noida - 201301
Uttar Pradesh

Sir,

Subject: NTPC comments on New Okhla Industrial Development Authority (NOIDA) letter regarding use of Sewage treated water at NTPC Dadri

Please refer to letter dated 28.04.2023, enclosing NOIDA letter no. 1574 dated 27.03.2023, seeking comments on the subject matter.

In this regard, NTPC comments are enclosed as **Annexure**.

Yours Sincerely,

Sd/-

(Vinod S Bhoyar)

Addl. General Manager (CP)

The use of treated sewage in thermal power plants is a proactive step taken by the Ministry of Power towards water conservation. The notification regarding the same was issued on 28.01.2016 under Electricity Act, 2003. Accordingly, NTPC had initiated activities towards exploring the feasibility of the use of treated sewage and signed an agreement with NOIDA (New Okhla Industrial Development Authority) and MoU with UPJN (Uttar Pradesh Jal Nigam).

However, since then, the technical, economic, and commercial aspects of the use of treated sewage water in TPPs have been under detailed deliberation between CEA, MoP, NTPC/ other Power Utilities and National Mission on Clean Ganga (NMCG) from time to time. During the deliberations, several issues have emerged related to the feasibility of the use of treated sewage in power plants, such as:

- Quantity and Quality of treated sewage water to be provided by Municipal/ Local Bodies.
- Cost of treated sewage water (either free or less than the cost of water supply).
- Residual life of the plant.
- Plant Load Factor.
- Type of Cooling System/ Source of Cooling Water (sea water/ freshwater).
- Location of Power Plant with respect to STP (distance and river crossings).

Meanwhile, the proceedings under O.A. No. 1002 of 2018 (Abhisht Kusum Gupta Vs State of Uttar Pradesh & Ors.) were in progress in NGT Principal Bench at New Delhi (in which NTPC was not a party). Hon'ble NGT vide order dated 03.08.2022 directed NTPC to execute the MoU for utilisation for sewage between Power Plant and Noida without delay.

As soon as NTPC received a copy of the Order dated 03.08.2022, it requested CPCB and Noida vide letters dated 01.12.2022 (attached as **Annexure-I**), that the activities related to the implementation of MoU and compliance of Hon'ble NGT order dated 03.08.2022 may kindly be kept in abeyance as appropriate steps are being taken to approach the Hon'ble Tribunal seeking modification of the order dated 03.08.2022.

Subsequently, NTPC filed an application before Hon'ble NGT for relief & modification in Order dated 03.08.2022 regarding the implementation of MoU for the usage of STP. The matter was scheduled for hearing on 03.03.2023; 24.03.2023; 24.05.2023 and 26.07.2023. During the hearing held on 26.07.2023, Hon'ble NGT was pleased to accept the application of NTPC and sought a reply from Noida Authority (copy of the Order is enclosed as **Annexure-II**). The next date of hearing is scheduled on 08.11.2023.

In view of the above, it is requested that the implementation of MOU may kindly be kept in abeyance till the final order of Hon'ble NGT is issued after considering all the factors.

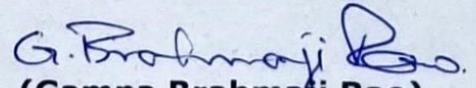
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AUTHORIZATION LETTER

I, Gampa Brahmaji Rao, Executive Director & Head of Project, NTPC- DADRI, NTPC Limited hereby authorize Sh. Rajiv Kumar Verma, Deputy General Manager (FES) Emp No: 100439, NTPC-DADRI, NTPC Ltd, to sign and verify on behalf of NTPC Limited, the Affidavit in support of the rejoinder to be filed before the Hon'ble NATIONAL GREEN TRIBUNAL, Principal Bench at New Delhi in the matter of Abhisht Kusum Gupta vs. State of Uttar Pradesh & Ors. He is further authorized to all such acts which are necessary to be done by the company in the said matter.

Dated this the 13th day of March, 2024 at Dadri, Gautam Budh Nagar (Uttar Pradesh).


(Gampa Brahmaji Rao)

Executive Director,
Head of Project (NTPC-DADRI),
NTPC Limited

गंपा ब्रह्माजी राव

GAMPA BRAHMAJI RAO

कार्यालय निदेशक (एनटीपीसी-दादरी)

EXECUTIVE DIRECTOR (NTPC-DADRI)

एनटीपीसी लिमिटेड, दादरी

नेशनल कैपिटल पावर स्टेशन, दादरी, डाकखाना - विद्युत नगर - 201008, जिला - गौतम बुद्ध नगर (उ.प्र.)

National Capital Power Station, Dadri, P.O.-Vidyut Nagar - 201008, Distt. - Gautam Budh Nagar (U.P.)

टेली./Tele. (Off.) : 2671300, 2672345, एसटीडी कोड/STD CODE : 0120, फैक्स/Fax : 2672300, वेबसाइट/Website : www.ntpc.co.in

कॉर्पोरेट आइडेंटिफिकेशन नंबर/Corporate Identification Number : L4010DL1975GOI007966

पंजीकृत कार्यालय : एन.टी.पी.सी. भवन, स्कोप कॉम्प्लेक्स, 7, इंस्टीट्यूशनल एरिया, लोधी रोड, नई दिल्ली-110003

Registered Office : NTPC Bhawan, SCOPE Complex, 7, Institutional Area, Lodhi Road, New Delhi-110003

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Adarsh Tripathi <adarsh912003@gmail.com>

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OA 1002 of 2018 titled Abhisht Kusum Gupta vs State of UP and ors

1 message

Adarsh Tripathi <adarsh912003@gmail.com>
To: rachit@rmlawchambers.in
Cc: Vikram Singh Baid <vikramsbaid@gmail.com>

Mon, Jul 1, 2024 at 7:07 PM

Dear Sir,

Please be in receipt of the Rejoinder on behalf of the Applicant in IA 331 of 2022. Kindly ignore the earlier mail.

--

Adarsh Tripathi
Advocate on Record, Supreme Court of India
G-34, Basement, Lajpat Nagar-3, New Delhi-110024
9090416535 / 9425308454

 **Rejoinder-IA 331 Final.pdf**
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