

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH AT NEW DELHI
ORIGINAL APPLICATION NO. 164 OF 2018**

IN THE MATTER OF:

Ashwani Kumar Dubey

...Applicant

Versus

Union of India & Ors.

...Respondents

INDEX

S. No.	Particulars	Page No.
1.	Rejoinder on behalf of the Applicant to the Reply filed by the Respondent No. 39.	1-17
2.	<u>ANNEXURE A-1</u> A true copy of order dated 25.08.2014 passed in O.A. No. 276 of 2013.	18-22
3.	<u>ANNEXURE A-2</u> A true copy of the Order dated 06.12.2017 passed by this Hon'ble Court in O.A. No. 276 of 2013.	23-28
4.	<u>ANNEXURE A-3</u> A true copy of Report of the Core Committed for monitoring of potential hazards of Industrial Development in Singrauli Area in compliance of this Hon'ble Tribunal dated 06.12.2017 filed by Central Pollution Control Board numbered as O.A. No. 164 of 2018 (instant Original Application)	29-50
5.	<u>ANNEXURE A-4</u> True copy of order dated 06.04.2018 passed in O.A. No. 164 of 2018.	51
6.	Proof of Service	52



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**REJOINDER ON BEHALF OF THE APPLICANT TO THE REPLY FILED BY
THE RESPONDENT NO. 39**

MOST RESPECTFULLY SHOWETH:

1. That the Applicant reiterates all submissions made in the Original Application and subsequent pleadings, and traverses each and every averment made in the reply filed by Respondent No. 39 (“**the Respondent**”), save and except those specifically admitted herein. The Respondent’s reply is a self-serving exercise built on selective disclosure, legal mischaracterisation, and a deliberate attempt to evade statutory environmental accountability.
2. That at the outset, the Respondent’s entire defence rests upon the pendency of CIRP, approval of a Resolution Plan, and Section 32A of the Insolvency and Bankruptcy Code, 2016. It is submitted that these defences are wholly misconceived. Environmental liability is a continuing and statutory obligation arising from the Respondent’s polluting activities and their long-term ecological consequences. Such liability cannot be extinguished, compromised, waived or annulled through corporate insolvency, restructuring, or change of ownership.
3. That the Respondent’s attempt to weaponise the “clean slate theory” is a blatant misapplication of law. The judgments cited by the Respondent concern *financial debts and civil claims* and not statutory environmental liabilities, which constitute a non-derogable public law obligation. It is humbly submitted that environmental damage is not a “claim” but a legal consequence of unlawful pollution, and therefore cannot be dissolved through a Resolution Plan.
4. That it is submitted that this Hon’ble Tribunal’s jurisdiction under Sections 14, 15 and 17 of the NGT Act, 2010 is plenary, overriding, and

exclusive in matters of restoration, remedy, compensation, and prevention of environmental degradation. It is further submitted that the NCLT has no jurisdiction to assess environmental damage, impose environmental compensation, mandate ecological restoration, or adjudicate statutory environmental violations. The Respondent's reliance on NCLT proceedings is therefore wholly irrelevant and legally frivolous.

5. That the Oversight Committee Reports, NEERI's scientific assessments, and MPPCB's findings conclusively establish grave, repeated, and long-standing violations by the Respondent, including:
 - (a) breach of the ash dyke and large-scale spillage of toxic fly ash;
 - (b) persistent non-compliance with ZLD norms for over 11 years;
 - (c) storage of bottom ash in unlined open heaps;
 - (d) discharge of untreated sewage;
 - (e) non-functional waste segregation facilities;
 - (f) contamination of agricultural fields, drains, ponds and the Rihand reservoir;
 - (g) fugitive emissions of particulate matter far exceeding standards.

It is submitted that these findings remain uncontroverted by the Respondent, except through a legally untenable invocation of the CIRP process.

6. That the Respondent's assertion that all environmental liabilities stand "extinguished" post-CIRP is an egregious misreading of Section 32A of the Insolvency and Bankruptcy Code (Amendment) Act, 2020. It is most humbly submitted that Section 32A protects bona fide resolution applicants from *criminal liability* for pre-CIRP acts of the corporate debtor, subject to satisfaction of statutory conditions. It does not, and cannot, extinguish:
 - environmental restoration obligations,
 - environmental compensation,
 - liability under the Polluter Pays Principle,
 - obligations under the Water Act, Air Act, and EP Act, or
 - the constitutional mandate under Articles 21, 47, 48A and 51A(g).

Hence, it is submitted that the environmental liability attaches to the *undertaking*, not to the management, and therefore travels with the enterprise irrespective of change in shareholding.

7. That it is submitted that it is a settled principle that environmental degradation constitutes a continuing wrong, and the liability for such wrong continues until complete restoration of the contaminated environment is achieved. It is submitted that the damage already caused cannot be retrospectively wiped out by corporate restructuring, and the legal fiction sought to be created by the Respondent herein, equating insolvency with environmental amnesty, is impermissible.
8. That it is humbly submitted that the Respondent's plea of having had "no opportunity" to file objections before submission of the Committee's recommendations is wholly meritless, factually incorrect, and an afterthought raised solely to dilute the binding effect of scientific findings recorded by expert agencies. The reports relied upon by the Applicant emanate from extensive field inspections, sampling, technical analysis and multidisciplinary evaluation conducted by statutory bodies and domain experts.
9. That it is respectfully pertinent to state that when the High-Powered Committee (HPC) Report was prepared and submitted, all stakeholders, including the predecessor-in-interest of the Respondent, were present, fully aware, and expressly consented to comply with the conditions prescribed therein. The HPC itself comprised experts across specialised environmental domains, and its work was conducted transparently in the presence of all concerned industries, including the Respondent.
10. That thereafter, pursuant to the accepted findings of the HPC, this Hon'ble Tribunal constituted an Oversight Committee exclusively to supervise and ensure meaningful implementation of the HPC's recommendations. The record clearly establishes that the predecessor of Respondent No. 39 (then arrayed as Respondent No. 14 in OA No. 276/2013) actively participated throughout the HPC and Oversight Committee proceedings.

11. That in OA No. 276/2013 Ashwani Kumar Dubey v. UOI & Ors., the HPC and its Sub-Committees were specifically constituted to examine the critically polluted Singrauli–Sonbhadra region, to inspect the industries operating therein, including the Respondent’s unit, and to assess air, water, soil and industrial compliance status. The inspections were conducted in the presence of the Project Proponent’s own representatives, who never objected to the methods adopted or the findings recorded.
12. That it is further submitted that this Hon’ble Tribunal, vide a detailed order dated 25.08.2014, with the express consent of all parties, including the then Respondent No. 14 (now Respondent No. 39), constituted a dedicated Committee with specific Terms of Reference to monitor the potential hazards arising out of industrial development in the Singrauli region and to recommend measures for restoration of the environment. The Respondent and its predecessor participated fully in the process and raised no objection whatsoever to the constitution of the Committee or its mandate. Relevant extracts of the Order dated 25.08.2014 is reproduced below for ease of reference:

“None of the parties have filed any objection / suggestions to the proposed Committees and the ToR. The only prayer made is that the Chairman, Central Pollution Control Board be permitted to be substituted by the Member-Secretary of the CPCB. Ordered accordingly.

Therefore we constitute the following Committees with the ToR as indicated as below.

*Monitoring of potential hazards of Industrial Development in Singrauli Area
Core Team:*

- a. Member Secretary, Central Pollution Control Board*
 - b. Member Secretary, Madhya Pradesh Pollution Control Board*
 - c. Member Secretary, Uttar Pradesh Pollution Control Board*
 - d. Director of Indian Agricultural Research Institute*
 - e. Director of Indian Council of Forestry Research and Education*
 - f. Director of National Institute of Hydrology*
 - g. Director of Indian Institute of Toxicology Research*
 - h. Dr. I. M. Mishra, Chemical Engineering, Department, IIT Roorkee*
 - i. Dr. Vinod Tare, Professor Environmental Engineering, IIT Kanpur*
 - j. Dr. T. Chakrabarti, Visvesvaraya National Institute of Technology, Nagpur.*
 - k. Prof. Kanchan Chopra, Institute of Economic Growth.*
 - l. Nominee of Director, All India Institute of Medical Sciences*
 - m. Nominee of Director, National Institute of Occupational Health, Ahmedabad.*
 - n. Joint Director, EIADivision, Ministry of Environment and Forests.*
- Terms of Reference:*

a) Conducting survey/s of all the industries (thermal power plants, coal mines, etc.) to assess the pollution caused by them as a result of their activities.

- b) *Synthesis of data compiled by Sub-Committee 1 to 5 for identifying causative factors- industry wise.*
- c) *Suggesting remedial measures that are required for restoration of the environment and prevention of pollution in the area (both Uttar Pradesh & Madhya Pradesh)- industry wise.*
- d) *To guide each of the sub-committee and seek progress of work on fortnightly basis. The core - team may nominate members of core-team based on their subject expertise to look into day to day affairs of sub-committees.*
- e) *The Committee shall submit its final report directly to NGT within 3 months;*

Note:

a. *The expenditure in conducting the inspection, survey and studies will be met by the respective State Governments for the region and they may be permitted to recover it from the industrial units, thermal power and coal mines on pro-rata basis.*

b. *The non-Government members be given the sitting fees for the meetings/ inspections, actual travelling expenses incurred by them as may be decided by the core-team. Quantification of Industrial impacts Sub-Committee-1 Terms of Reference:*

• *Inventory of existing industries – industry wise:*

a. *Production: in terms of each product either per day or per month basis. b. Raw material used: In terms of each raw material including fuel and water per day & its source.*

• *Pollution load generation:*

a. *Water- quantity of each of the significant pollutant per day before & after treatment.*

b. *Air- quantity emission in terms of each pollutant per day.*

c. *Fly-ash-quantity per day.*

d. *Hazardous waste-quantity & type/day. e. Others, if any – specify & quantify*

• *Compliance Status:*

a. *Environmental Clearance conditions*

b. *Forest Clearance conditions*

c. *Consent conditions*

• *Adequacy of each of the pollution control measure/ s.*

• *Daily basis Vehicular traffic census especially in and around residential clusters. Ambient air quality should also be monitored in the above residential areas.*

• *Vehicular census and their usages data to be used for quantification of pollution load generation from the vehicles (petrol and diesel driven separately).*

• *Overall working and deficiency, if any. Team:*

a. *Zonal Officer of the Central Pollution Control Board, Lucknow and Bhopal.*

b. *Regional Officer of Madhya Pradesh State Pollution Control Board and Uttar Pradesh State Pollution Control Board.*

c. *Indian Institute of Toxicology Research, Lucknow.*

d. *Expert on Environmental Issues from Indian School Mines.*

e. *Regional Officer, Ministry of Environment and Forests Bhopal and Lucknow.*

f. *Member Secretary, Central Pollution Control Board to co-ordinate the entire work as per the ToR and follow Standard Sampling Methodology. Potential impact of pollution on water resources Sub-Committee-2 Terms of Reference:*

• *Water Quality Survey of the area*

• *Appropriate sampling methodology should be adopted to give representative picture of the entire area vis-à-vis location of industries.*

• *Inventory of sources (surface and groundwater sources) and their utilization status.*

- *Physical, chemical and micro-biological properties of surface and ground water sources with special reference to concentration of heavy metals including mercury, and other hazardous waste, if any. Team:*
 - a. *Representative of the Central Ground Water Authority having experience in Water Quality*
 - b. *Representative of the Ministry of Water Resources having experience in Water Quality*
 - c. *Representative of State Irrigation Department having experience in Water Quality*
 - d. *Representative of National Institute of Hydrology from Water Quality Laboratory*

Potential impact of pollution on land resources Sub-Committee-3 Terms of Reference:

- *Representative samples of soil should be collected from areas reasonably away from the industries cluster apart from sampling in and around industries giving due regard to land use.*
- *General Types of Soil with specific reference to dumping sites and discharge point of effluent/s, nearby agriculture fields and forests.*
- *Physical and chemical properties of soil with emphasis on mercury and other relevant heavy metals, and soil fertility. Team:*
 - a. *Representative of Indian Institute of Toxicology Research, Lucknow.*
 - b. *Representative of Central Pollution Control Board, Madhya Pradesh State Pollution Control Board and Uttar Pradesh State Pollution Control Board not below the rank of Regional Officer.*
 - c. *An Expert of Soil Science from Indian Institute of Soil Science, Bhopal.*
 - d. *An Expert on Forest Soil from Indian Council of Forestry Research and Education, Dehradun.*

Potential Impact of pollution on air quality Sub-Committee-4 Terms of Reference:

- *Ambient air quality sampling (PM_{2.5}, PM₁₀, SO_x, NO_x, CO, Hg) in the project area based on appropriately designed sampling methodology as per the guidelines of CPCB. Team: a) Representative of the Central Pollution Control Board, b) Representative of the Madhya Pradesh Pollution Control Board c) Representative of the Uttar Pradesh Pollution Control Board d) An expert on Air Quality from National Environmental Engineering Research Institute, Nagpur. e) An expert on Air Quality from IIT, Kanpur.*
- Potential Impact of Pollution on Health Sub-Committee-5 Terms of Reference And Team: a) Base line data on socio-economic aspects, potential health hazards. Sample survey using standard statistically designed epidemiology Study. b) On findings of this data, a team of experts comprising of Doctors from AIIMS, King Gorge Medical College, Lucknow to visit the area for conducting sample survey on health profiling of residents and workers. c) A team of experts comprising of Doctors and Social Scientist to develop a questionnaire on health impact. This questionnaire to be used for all the survey. d) Committee to have atleast one Doctor each from Uttar Pradesh and Madhya Pradesh apart from one Social Scientist from each of the state and involve Panchayati Raj Institutions for collection of primary data. The above Committee shall submit its report to the Tribunal within one month from today. If the final report is not possible to be submitted on record, then place the interim report before the Tribunal for further directions on the next date of hearing.”*

A true copy of order dated 25.08.2014 passed in O.A. No. 276 of 2013 is annexed herewith and marked as **Annexure A-1**.

13. That subsequently, by order dated 06.12.2017, this Hon'ble Tribunal further fortified the monitoring and compliance framework by constituting additional Committees to ensure implementation of the recommendations earlier accepted by all stakeholders, including the then Respondent No. 14 (now Respondent No. 39). These Committees were directed to submit compliance and implementation reports every three months. OA No. 276/2013 was thereafter finally adjudicated on 06.12.2017, wherein this Hon'ble Tribunal expressly recorded the unequivocal consent of all industries, including the predecessor of Respondent No. 39, to the High-Powered Committee (HPC) Report and the compliance regime. At no point did any Respondent challenge the findings, methodology, or conclusions of the HPC. Pursuant to the directions contained in the order dated 06.12.2017, the Core Committee submitted its detailed report dated 27.03.2018, filed by the CPCB, demonstrating the active and continuous participation of all concerned industries, including the Respondent. This report was, in accordance with the Tribunal's directions, renumbered and registered as Original Application No. 164 of 2018. Relevant extracts of the Order dated 06.12.2017 passed by this Hon'ble Tribunal is reproduced below:

"We have heard the Learned Counsel appearing for the parties. We dispose of these applications with the following directions:-

1. We accept the interim report dated 07-07-2014 and final report dated 20-08-2015 filed by the Core Committee before the Tribunal as there are no objections raised by any of the stakeholders before us to the acceptance to the said reports. Consequently, we accept the reports\.

2. Keeping in view of the facts and circumstances of the case, the Core Committee shall conduct a fresh inspection within four weeks from today and all the industries located in the area in question as well as localities around those industries. It will examine whether the recommendations made by the Core Committee already in its report dated 14-02-2014, 07-07-2014 and 20-08-2015 have been implemented or not and how they need to be. If any stakeholder is to be found deficient in compliance in taking action, what action should be taken against that industries or authorities or State Government for that default.

3. We hereby constitute two separate committees for appropriate implementation of the recommendations made by the Core Committee in their reports and these committees in their respective States shall be responsible for implementation of those directions without any further delay. The Committee shall consist of the followings in each States:-

i) Secretary Environment of the respective States

ii) Member Secretary of the Pollution Control Board of the concerned States

- iii) District Magistrate of the concerned district who shall be conveners of the meeting.*
- iv) Zila Panchyat Adyayksh of the District in which the village falls inspection of which is being conducted by the Team.*
- v) Nominee of the Mayor in the case of Urban areas.*
- vi) Senior Officer from the Coal Mine Department of the States*

4. This Supervisory Committee shall perform dual functions. First, is with regard to supervision of the implementation and recommendations issued by the Core Committee. Secondly, would also suggest to the Core Committee such further steps that have to be taken in the interest of environment, ecology and public health.

5. The Supervisory Committee shall submit a monthly report of the Core Committee and the Core Committee in turn shall submit the report to the Tribunal every three months.

6. We direct that the Member Secretary of the respective State Pollution Control Boards, the District Magistrate of the concerned district and the Director/Partner/Executive Officer of the industry thermal plant shall ensure that every village in the region of Singrauli region including coal mining area, every village is provided with an RO plant and if the population of the village so demands at least two or even more plants shall be provided in that village to ensure that residents of the village get potable water for drinking purposes at any cost. All the industries shall be liable to bear the cost in discharge of their corporate social responsibility as well as on the fact that the existing pollution is attributable to them in one way or the other. The Principle of polluter pays has to be invoked but we make it clear that at this stage we are not returning the findings that these industries are causing pollution, as of now. We will leave it to the inspection team to return their findings in that behalf with complete analysis report.

7. Since this region falls both in the State of Uttar Pradesh and in the State of Madhya Pradesh, both the State Pollution Control Boards along with the Department of Environment of the State Government shall fix on-line air monitoring system. They shall also ensure that water quality monitoring system is also provided wherever the water body or the river is there near to village/ industrial complexes etc.

8. We further order and direct that Core Committee upon recommendations of the Supervisory Committee may consider and providing of further time for compliance or directions provided that it is shown that effective steps have already been taken by the industries and they are in the process of compliance of the directions may be like installation of ETP or any other anti pollution devises that has been recommended or directed.

9. For installation of RO plant, land would be provided by the Government/Gram Panchayat and entire cost for installation or maintenance would be borne by the industries.

10 .The Supervisory Committee would be at liberty to take input/ advise or opinion of any authority or body including Director General of Mines Safety.

11 All the stone crushers which are operating in these regions without obtaining consent of the Board and permission from the competent authority shall be shut down without further notice. The stone crusher which are permitted to operate would also be responsible for installation of RO system at the place where there are number of stone crushers running

and they would be guided by the same directions as we have afore-recorded in the case of industries.

With the above directions these applications i.e. Original Application No. 276/2013 and Original Application No. 20/2014 stand disposed of without any order as to cost.

As and when the report is submitted by the Core Committee the same shall be registered separately and place before the Tribunal for appropriate orders.

M. A. NO. 571/2016 and M. A. No. 59/2014

These applications do not survive for consideration as the main application itself stand disposed of.

M. A. NO. 571/2016 and M. A. No. 59/2014 stand disposed of with no order as to cost.”

[Emphasis Supplied]

A true copy of the Order dated 06.12.2017 passed by this Hon'ble Court in O.A. No. 276 of 2013 is annexed herewith and marked as

Annexure A-2.

14. That it is pursuant to this accepted report and the mandate of the Oversight Committee that OA No. 164/2018 came to be registered, confined solely to monitoring compliance. It is submitted that at no stage, before the HPC, before the Oversight Committee, or before this Hon'ble Tribunal, was any grievance ever raised by the Respondent alleging lack of opportunity. Relevant extracts of the Order dated 06.04.2018 passed in OA No. 164 of 2018 is reproduced below for ease of reference:

“The report filed is registered as Original Application No. 164 of 2018 in terms of the directions passed in Original Application No. 276 of 2013 and M.A. No. 49 of 2014 in Original Application No. 21 of 2014.

Let Notice be issued to the applicant, industry in question and all respondents.”

[Emphasis Supplied]

A true copy of Report of the Core Committed for monitoring of potential hazards of Industrial Development in Singrauli Area in compliance of this Hon'ble Tribunal dated 06.12.2017 filed by Central Pollution Control Board numbered as O.A. No. 164 of 2018 (instant Original Application) is annexed herewith and marked as **Annexure A-3** and the

true copy of order dated 06.04.2018 passed in O.A. No. 164 of 2018 is annexed herewith and marked as **Annexure A-4**.

15. Thus, it is humbly submitted that the Respondent's present claim is demonstrably false, contrary to the judicial record, and amounts to a blatant abuse of the process of law. The belated attempt to raise a plea of "no opportunity" after years of active participation, express consent, and acquiescence is dishonest, artificial and liable to be rejected outright. It is therefore wholly incorrect and misleading for the Respondent to represent before the Hon'ble Supreme Court, or before this Tribunal, that it was not afforded an opportunity to be heard. The record demonstrates that the Respondent and its predecessor were heard not merely once but repeatedly, participated actively in Committee proceedings, inspections, field visits and consultations, and at no stage raised any objection to the methodology or findings of the Committees. The present plea of 'no opportunity' is thus a bald, vague, and dishonest afterthought, raised only to dilute the binding nature of the scientific findings and to evade statutory environmental liability.
16. That it is humbly submitted that the Respondent has made a calculated attempt to distance itself from its own violations by distinguishing between "past management" and "new management". It is submitted that such distinction is legally irrelevant. The environmental liability arises from the industrial operations carried out at the Respondent's unit, irrespective of the identity of the owners or managers. It is submitted that once the undertaking continues to derive benefit from the industrial activity, it must also bear the corresponding environmental burden.
17. That it is respectfully submitted that the Respondent has conspicuously omitted any discussion of the grave health impacts, ecological damage, agricultural loss, contamination of water bodies, and long-term environmental impairment caused by its activities. It is submitted that the silence of the Respondent on these crucial aspects amounts to an admission of liability.
18. That it is further submitted that the Respondent's reliance on internal clauses of its Resolution Plan is irrelevant. A resolution plan cannot

override statutory mandates, nor can private commercial arrangements extinguish liabilities owed to the environment and the public at large. Any clause of a Resolution Plan purporting to do so is ultra vires, void, and unenforceable.

19. That it is submitted that the plea that fresh proceedings before this Hon'ble Tribunal would cause "multiplicity" is misleading. It is submitted that the NGT proceedings address environmental compensation, restoration, and remedial measures, subjects exclusively within this Tribunal's domain, whereas the NCLT proceedings concern insolvency resolution, an entirely distinct subject matter. Hence, these proceedings operate in different legal planes, and one cannot supplant or restrict the other.
20. That it is submitted that the Respondent's attempt to treat environmental compensation as a "debt" within the meaning of the IBC is a fundamental error. It is humbly submitted that the environmental compensation is imposed not for recovery, but for (i) restoration, (ii) deterrence, and (iii) rectification of continuing harm. It is submitted that it is a function of sovereign police power, not a creditor's claim.
21. That in light of the above, the Respondent's reply is devoid of merit, based on untenable legal propositions, and constitutes an attempt to frustrate environmental enforcement through corporate mechanisms never intended for this purpose. It is submitted that the Respondent's stance, if accepted, would amount to granting polluters a statutory escape route through insolvency, an outcome inconsistent with constitutional principles, environmental jurisprudence, and the very framework of the NGT Act.

PARA WISE REPLY

22. That the contents of Para 1 merit no response.
23. That the contents of Para 2 are denied. It is submitted that the general denial of allegations, without material particulars or specific rebuttal, is vague, evasive, and insufficient to dislodge the detailed findings placed on record through statutory and expert reports.

24. That the contents of Para 3 merit no response as the existence and operation of the Respondent's thermal power plant is a matter of record; however, the Respondent is put to strict proof regarding its assertions of compliance. It is submitted that mere claims of adherence to environmental norms cannot override the extensive violations documented by NEERI, the Oversight Committee, and the Pollution Control Boards.
25. That the contents of Paras 4-6 are denied as being erroneous and misconceived. It is submitted that the proceedings under the CIRP framework cannot, and do not, extinguish statutory environmental liability or remedial obligations arising under the NGT Act, 2010. Environmental compensation quantified by this Hon'ble Tribunal on the basis of expert scientific assessments remains binding and enforceable, irrespective of corporate restructuring or approval of a Resolution Plan.
26. That the contents of Paras 7-8 are denied as being erroneous and misconceived. It is submitted that any post-acquisition measures allegedly taken by the Respondent do not absolve it of responsibility for the extensive environmental damage already caused, nor for the continuing and cumulative harm persisting on the ground. The plea for filing further affidavit is unwarranted and does not cure the Respondent's failure to address the substantive violations highlighted by expert bodies.
27. That the contents of the corresponding Para 9 are emphatically denied as being selective and misleading narration of facts. The chronology of committee constitution, inspections, oversight mechanisms, NEERI assessments, and prior proceedings before this Hon'ble Tribunal is a matter of record, but the Respondent has deliberately suppressed its own continuous violations, non-compliance with statutory directions, and repeated failure to rectify environmental harm. The Respondent's entire defence rests on the pendency and outcome of CIRP and approval of the Resolution Plan, which is wholly misconceived, legally untenable and irrelevant to environmental liability governed by the NGT Act, 2010. The Respondent's attempt to convert scientifically

assessed environmental damage and statutory compensation into an “operational debt” under the IBC is erroneous, contrary to law, and contrary to binding environmental jurisprudence which treats environmental restoration and compensation as sovereign, statutory and continuing obligations, not commercial claims. The liability arising from the ash dyke breach of 2019, persistent pollution, fly ash mismanagement, contamination of water bodies, soil degradation and continuing ecological harm cannot be extinguished by a Resolution Plan or moratorium; nor can the jurisdiction of this Hon’ble Tribunal be curtailed by insolvency proceedings. The Respondent was fully represented through its predecessor-in-interest in OA No. 276/2013, consented to the High-Powered Committee mechanism, participated in inspections, never raised any objection to the methodology or findings, and accepted the binding nature of the Oversight Committee’s monitoring regime. The reliance on the Hon’ble Supreme Court’s remand order dated 05.07.2023 is misplaced; the remand was only to afford opportunity to file objections to the Committee’s recommendation, not to reopen settled findings of environmental violations or extinguish liability. The Respondent’s assertion that the Resolution Plan wipes out all environmental liabilities is a gross misreading of Sections 30, 31 and 32A of the IBC. Environmental compensation, restoration costs and liability under the Polluter Pays Principle are not “dues,” “operational debts,” “claims,” or “contingent liabilities” capable of extinguishment or waiver. They arise as a consequence of statutory violations, continuing pollution and public law obligations. No Resolution Plan can override the Constitution, the NGT Act, the Water Act, the Air Act or environmental directives issued by this Hon’ble Tribunal. The Respondent’s claim that MPPCB’s environmental compensation “stood extinguished” is false, as statutory liability cannot be converted, diluted, compromised or nullified through commercial restructuring. The pendency of I.A. before NCLT and interim protection against coercive steps does not preclude this Hon’ble Tribunal from determining environmental damage, imposing compensation, or directing restoration. The Respondent continues to operate the same industrial undertaking,

derives economic benefit from the same operations, and therefore carries the environmental burden attached to the enterprise, irrespective of change of ownership. It is submitted that the entire factual background presented by the Respondent is thus self-serving, selectively drafted, and does not absolve it of the grave environmental violations conclusively established by NEERI, MPPCB, the Oversight Committee and the record of this Hon'ble Tribunal.

28. That the contents of Para 10-12 are vehemently denied as erroneous and misconceived. It is submitted that the pendency of proceedings or interlocutory applications before the NCLT or any other forum does not curtail or oust the jurisdiction of this Hon'ble Tribunal. The NCLT does not possess the statutory mandate or technical competence to adjudicate environmental harm, assess compensation, or direct restoration. It is submitted that the Respondent's reliance on Sections 31 and 32A is misconceived. These provisions do not apply to environmental compensation, restoration costs, or remediation directives, all of which arise from statutory obligations and the Polluter Pays Principle. Environmental liability is not equivalent to a financial claim or operational debt within the meaning of the IBC. It is further submitted that the judgments relied upon by the Respondent are misquoted, misinterpreted, and taken entirely out of context. The "clean slate theory," even where applicable, pertains only to commercial and financial debts. It does not, and cannot, extend to statutory environmental obligations, which constitute non-negotiable public law liabilities. The Respondent's plea is, therefore, legally untenable.
29. That the contents of Para 13 are denied as being erroneous and misconceived. It is submitted that the blanket assertion that no violations or non-compliances are attributable to the Respondent is false, evasive, and contrary to the overwhelming scientific and statutory record. The NEERI reports, MPPCB inspections, Oversight Committee findings, High-Powered Committee reports, joint committee assessments, and repeated directions of this Hon'ble Tribunal conclusively establish persistent, serious, and continuing

violations by the Respondent's unit, including ash dyke breach, fly ash spillage, air and water contamination, non-functional pollution control systems, non-adherence to ZLD norms, and failure to maintain environmental safeguards. The Respondent cannot escape liability for continuing environmental harm by merely asserting compliance without rebutting any scientific findings.

30. That the contents of Para 14 are denied as being erroneous and misconceived. It is submitted that the Respondent's request for liberty to file further affidavits is unwarranted and unnecessary. The Respondent has had ample opportunity before the Oversight Committee, the HPC, the MPPCB, NEERI, the NCLT proceedings, and before this Hon'ble Tribunal. The Respondent's request is merely a tactic to prolong proceedings and dilute the binding effect of long-established scientific findings. Without prejudice, any such liberty must be strictly regulated to prevent abuse of process.
31. That the contents of Para 15 are vehemently denied as being erroneous and misconceived. It is submitted that the prayer seeking discharge of Respondent No. 14 and Respondent No. 39 is wholly misconceived, devoid of legal foundation, and contrary to every principle governing environmental liability. It is submitted that the environmental burden attaches to the undertaking, not the identity of its shareholders or management. Change of ownership pursuant to CIRP does not extinguish statutory environmental obligations, nor does Section 31 or Section 32A of the IBC provide immunity from environmental compensation, restoration, remediation, or compliance requirements determined under the NGT Act. It is further submitted that the Respondent continues to operate the same polluting activity and therefore remains responsible for the ongoing and historical environmental damage caused by the unit. No basis exists, either in fact or in law, for the discharge sought. Hence, the prayer is liable to be rejected in limine.

PRAYER

32. That in view of the aforesaid facts and circumstances, it is therefore respectfully prayed that this Hon'ble Tribunal may kindly be pleased to pass the following directions:-
- a. Reject the reply filed by Respondent No. 39;
 - b. Hold that environmental liabilities, compensation, and restoration obligations survive the CIRP and remain enforceable;
 - c. Accept and act upon the findings of NEERI, MPPCB, and the Oversight Committees;
 - d. Determine and impose appropriate environmental compensation based on the Polluter Pays Principle; and
 - e. Direct time-bound restoration, remediation and compliance measures upon the Respondent.
33. That the Applicant craves leave to add, amend or supplement the present rejoinder as may be warranted in the interest of justice.



(Ashwani Kumar Dubey)

Advocate

Chamber: 506, D-Block, Addl. Building Complex,
Supreme Court of India, New Delhi - 01

Office: 6, First Floor, Bazar Lane,
Bengali Market, New Delhi - 01

Phone:- +91 - 9818685007

Date: 09.12.2025

Place: New Delhi

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

ORIGINAL APPLICATION NO. 164 OF 2018

IN THE MATTER OF:

Ashwani Kumar Dubey

...Applicant

Versus

Union of India & Ors.

...Respondents

AFFIDAVIT

I, Ashwani Kumar Dubey, S/o Late Shri D.R. Dubey, aged about 47 years, 6, First Floor, Bazar Lane, Bengali Market, New Delhi – 110001, do hereby solemnly declare and affirm as under:-

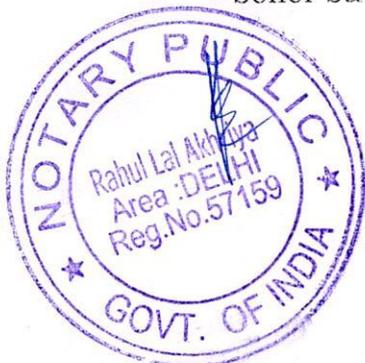
1. That I am the Applicant in the above captioned matter and am well conversant with the facts and circumstances of the present case, hence, am competent to swear this affidavit.
2. That I am sufficiently conversant with the facts of the case and have also examined all relevant documents and records in relation thereto.
3. That I state that the contents of accompanying Rejoinder are true and correct and the same may kindly be read as part and parcel of the present affidavit which are not reproduced herein to avoid repetition.

Ashwani
DEPONENT

VERIFICATION

- 9 DEC 2025

Verified at New Delhi on this _____ day of December, 2025, that the contents of the above affidavit are true and correct to the best of my knowledge and belief based on record. Nothing material has been concealed.



ATTESTED

NOTARY PUBLIC DELHI (INDIA)
- 9 DEC 2025

Ashwani
DEPONENT

BEFORE THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI

Original Application No.276 of 2013

And

M.A. No.59 of 2014

In

Original Application No.20 of 2014

Ashwani Kumar Dubey Vs. Union of India & Ors.

And

Jagat Narayan Viswakarma and Ors. Vs. Union of India & Ors

CORAM : HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON
HON'BLE MR. JUSTICE M.S. NAMBIAR, JUDICIAL MEMBER
HON'BLE MR. DR. D.K. AGRAWAL, EXPERT MEMBER
HON'BLE PROF. A.R. YOUSUF, EXPERT MEMBER
HON'BLE DR. R.C. TRIVEDI, EXPERT MEMBER

Present:

Applicant:	Mr. M.Z. Choudhary, Mr. Avinnash Prasad and Mr. Ashwini K. Dubey, Advocates
Respondent No. 1:	Mr. Vikas Malhotra and Mr. M.P. Sahay, Advocates & Ms. Seema Rao
Respondent No.3:	Mr. Raman Yadav
Respondent No.4:	Mr. Rajul Shrivastav, Advocate for MPPCB
Respondent No.6&9:	Mr. Raman Yadav & Mr. Atifshuh Rawardy, Advocates
Respondent No.7:	Mr. Daleep Kumar Dhayani, Advocate and Mr. Vikas Singh, Advocate
Respondent No.10 to 12:	Mr. Bharat Sangal, Advocate
Respondent No.13,15, 16 & 21:	Mr. Syed Shahid, Advocate & Mr. Parag P. Tripathi, Senior Advocate
Respondent No.19&20:	Mr. Pradeep Misra, Advocate
Respondent No.22	Mr. Rajat Jariwal and Ms. Anisha Somal
Respondent No.23&27:	Mr. Pawan Upadhyay and Mr. Sarvjit P. Singh
Respondent No.24:	Mr. Harsh Sethi for VHS Legal

Date and Remarks	Orders of the Tribunal
Item No. 17 & 18 August 25, 2014	<p>None of the parties have filed any objection / suggestions to the proposed Committees and the ToR. The only prayer made is that the Chairman, Central Pollution Control Board be permitted to be substituted by the Member-Secretary of the CPCB. Ordered accordingly.</p> <p>Therefore we constitute the following Committees with the ToR as indicated as below.</p> <p><u>Monitoring of potential hazards of Industrial Development in Singrauli Area</u></p> <p>Core Team:</p> <ol style="list-style-type: none"> Member Secretary, Central Pollution Control Board Member Secretary, Madhya Pradesh Pollution Control Board Member Secretary, Uttar Pradesh Pollution Control Board

		<p>d. Director of Indian Agricultural Research Institute e. Director of Indian Council of Forestry Research and Education f. Director of National Institute of Hydrology g. Director of Indian Institute of Toxicology Research h. Dr. I. M. Mishra, Chemical Engineering, Department, IIT Roorkee i. Dr. Vinod Tare, Professor Environmental Engineering, IIT Kanpur j. Dr. T. Chakrabarti, Visvesvaraya National Institute of Technology, Nagpur. k. Prof. Kanchan Chopra, Institute of Economic Growth. l. Nominee of Director, All India Institute of Medical Sciences m. Nominee of Director, National Institute of Occupational Health, Ahmedabad. n. Joint Director, EIADivision, Ministry of Environment and Forests.</p> <p><u>Terms of Reference:</u></p> <p>a) Conducting survey/s of all the industries (thermal power plants, coal mines, etc.) to assess the pollution caused by them as a result of their activities. b) Synthesis of data compiled by Sub-Committee 1 to 5 for identifying causative factors- industry wise. c) Suggesting remedial measures that are required for restoration of the environment and prevention of pollution in the area (both Uttar Pradesh & Madhya Pradesh)- industry wise. d) To guide each of the sub-committee and seek progress of work on fortnightly basis. The core team may nominate members of core-team based on their subject expertise to look into day to day affairs of sub-committees. e) The Committee shall submit its final report directly to NGT within 3 months;</p> <p>Note:</p> <p>a. The expenditure in conducting the inspection, survey and studies will be met by the respective State Governments for the region and they may be permitted to recover it from the industrial units, thermal power and coal mines on pro-rata basis. b. The non-Government members be given the sitting fees for the meetings/inspections, actual travelling expenses incurred by them as may be decided by the core-team.</p> <p style="text-align: center;"><u>Quantification of Industrial impacts</u> <u>Sub-Committee-1</u></p> <p><u>Terms of Reference:</u></p> <ul style="list-style-type: none"> • Inventory of existing industries – industry wise: <ul style="list-style-type: none"> a. Production: in terms of each product either per day or per month basis. b. Raw material used: In terms of each raw material including fuel and water per day & its source. • Pollution load generation: <ul style="list-style-type: none"> a. Water- quantity of each of the significant pollutant per day before & after treatment. b. Air- quantity emission in terms of each pollutant per day.
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32

		<p>c. Fly-ash-quantity per day. d. Hazardous waste-quantity & type/day. e. Others, if any – specify & quantify</p> <ul style="list-style-type: none"> • Compliance Status: <ol style="list-style-type: none"> a. Environmental Clearance conditions b. Forest Clearance conditions c. Consent conditions • Adequacy of each of the pollution control measure/s. • Daily basis Vehicular traffic census especially in and around residential clusters. Ambient air quality should also be monitored in the above residential areas. • Vehicular census and their usages data to be used for quantification of pollution load generation from the vehicles (petrol and diesel driven separately). • Overall working and deficiency, if any. <p>Team:</p> <ol style="list-style-type: none"> a. Zonal Officer of the Central Pollution Control Board, Lucknow and Bhopal. b. Regional Officer of Madhya Pradesh State Pollution Control Board and Uttar Pradesh State Pollution Control Board. c. Indian Institute of Toxicology Research, Lucknow. d. Expert on Environmental Issues from Indian School Mines. e. Regional Officer, Ministry of Environment and Forests Bhopal and Lucknow. f. Member Secretary, Central Pollution Control Board to co-ordinate the entire work as per the ToR and follow Standard Sampling Methodology. <p><u>Potential impact of pollution on water resources</u> <u>Sub-Committee-2</u></p> <p><u>Terms of Reference:</u></p> <ul style="list-style-type: none"> • Water Quality Survey of the area • Appropriate sampling methodology should be adopted to give representative picture of the entire area vis-à-vis location of industries. • Inventory of sources (surface and groundwater sources) and their utilization status. • Physical, chemical and micro-biological properties of surface and ground water sources with special reference to concentration of heavy metals including mercury, and other hazardous waste, if any. <p>Team:</p> <ol style="list-style-type: none"> a. Representative of the Central Ground Water Authority having experience in Water Quality b. Representative of the Ministry of Water Resources having experience in Water Quality c. Representative of State Irrigation Department having experience in Water Quality d. Representative of National Institute of Hydrology from Water Quality Laboratory
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		<p style="text-align: center;"><u>Potential impact of pollution on land resources</u> <u>Sub-Committee-3</u></p> <p><u>Terms of Reference:</u></p> <ul style="list-style-type: none"> • Representative samples of soil should be collected from areas reasonably away from the industries cluster apart from sampling in and around industries giving due regard to land use. • General Types of Soil with specific reference to dumping sites and discharge point of effluent/s, nearby agriculture fields and forests. • Physical and chemical properties of soil with emphasis on mercury and other relevant heavy metals, and soil fertility. <p><u>Team:</u></p> <ol style="list-style-type: none"> a. Representative of Indian Institute of Toxicology Research, Lucknow. b. Representative of Central Pollution Control Board, Madhya Pradesh State Pollution Control Board and Uttar Pradesh State Pollution Control Board not below the rank of Regional Officer. c. An Expert of Soil Science from Indian Institute of Soil Science, Bhopal. d. An Expert on Forest Soil from Indian Council of Forestry Research and Education, Dehradun. <p style="text-align: center;"><u>Potential Impact of pollution on air quality</u> <u>Sub-Committee- 4</u></p> <p><u>Terms of Reference:</u></p> <ul style="list-style-type: none"> • Ambient air quality sampling (PM2.5, PM10, SO_x, NO_x, CO, Hg) in the project area based on appropriately designed sampling methodology as per the guidelines of CPCB. <p><u>Team:</u></p> <ol style="list-style-type: none"> a) Representative of the Central Pollution Control Board, b) Representative of the Madhya Pradesh Pollution Control Board c) Representative of the Uttar Pradesh Pollution Control Board d) An expert on Air Quality from National Environmental Engineering Research Institute, Nagpur. e) An expert on Air Quality from IIT, Kanpur. <p style="text-align: center;"><u>Potential Impact of Pollution on Health</u> <u>Sub-Committee-5</u></p> <p><u>Terms of Reference And Team:</u></p> <ol style="list-style-type: none"> a) Base line data on socio-economic aspects, potential health hazards. Sample survey using standard statistically designed epidemiology Study. b) On findings of this data, a team of experts comprising of Doctors from AIIMS, King Gorge Medical College, Lucknow to visit the area for conducting sample survey on health profiling of residents and workers. c) A team of experts comprising of Doctors and Social Scientist to develop a questionnaire on health impact. This questionnaire to be used for all the survey.
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34

- d) Committee to have atleast one Doctor each from Uttar Pradesh and Madhya Pradesh apart from one Social Scientist from each of the state and involve Panchayati Raj Institutions for collection of primary data.

The above Committee shall submit its report to the Tribunal within one month from today. If the final report is not possible to be submitted on record, then place the interim report before the Tribunal for further directions on the next date of hearing.

List the matter for hearing on 26th September, 2014.

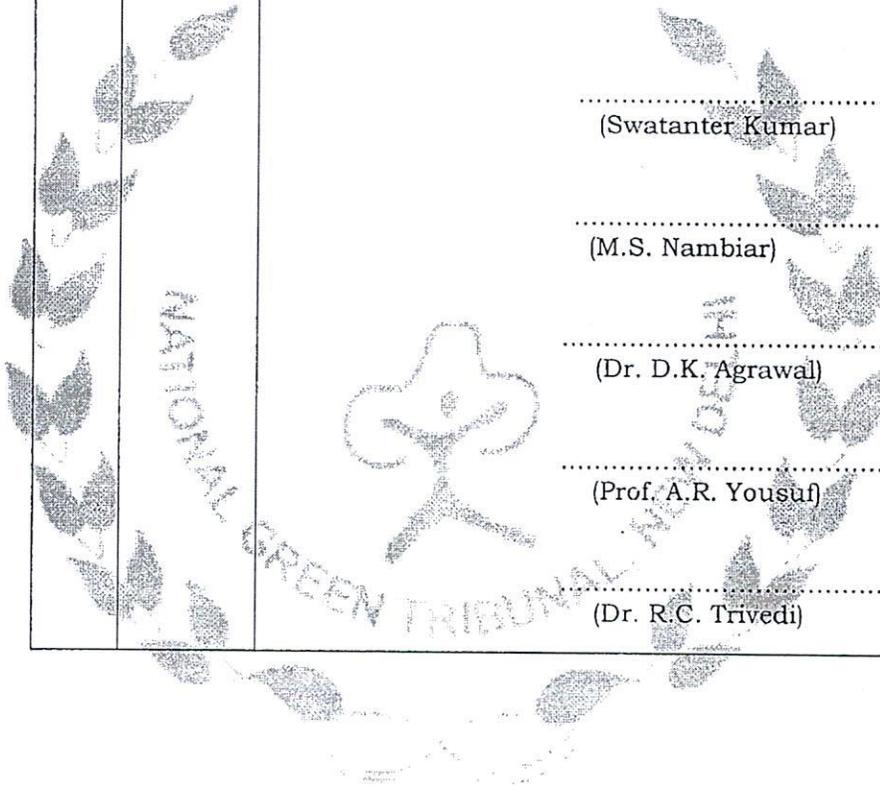
.....,CP
(Swatanter Kumar)

.....,JM
(M.S. Nambiar)

.....,EM
(Dr. D.K. Agrawal)

.....,EM
(Prof. A.R. Yousuf)

.....,EM
(Dr. R.C. Trivedi)



BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

Original Application No.276 of 2013

(M.A. No. 571/2016)

And

Original Application No.20 of 2014

(M.A No. 59/2014)

IN THE MATTER OF:

Ashwani Kumar Dubey Vs. Union of India & Ors.

And

Jagat Narayan Viswakarma & Ors. Vs. Union of India & Ors

CORAM : HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON
HON'BLE DR. JUSTICE JAWAD RAHIM, JUDICIAL MEMBER
HON'BLE MR. JUSTICE RAGHUVENDRA S. RATHORE, JUDICIAL MEMBER
HON'BLE MR. BIKRAM SINGH SAJWAN, EXPERT MEMBER

Original Application No.276 of 2013

Present: Applicant :Mr.Ashwani Kr. Dubey, Applicant in person.
Respondent No. 1 :Mr. Vikas Malhotra, Advocate
Respondent No. 4 : Mr. Rajul Shrivastava, Adv.
Respondent no.7 : Mr. Daleep Kr. Dhyani, Adv
Respondent No. 6 & 9 ; Mr. Gigi C.George Adv. for State of UP
Respondent No. 10,11&12 :Mr. Bharat Sangal, and Ms. S. Spandana Reddy
Adv.
Respondent no. 13, 15,16,21: Mr. Syed Shahid Husain Rizvi, Adv.
Respondent No. 14,17 & 37: Mr. Vikrant Pachnanda, Adv.
Respondent No. 20 : Mr. Rajat Jariheal and Mr. Bharat Gupta, Adv.
Respondent Nos. 19 & 20 :Mr. Pradeep Misra,Adv
Respondent No. 22 : Mr. Nitin Mishra, Adv. with Ms. Mitali Gupta
Adv
Respondent no. 23 & 27 Ms. Deep Shikha Bharati, Adv for State of UP
Mr. Pawan Upadhyay Adv. Mr. Krishana
Kanodia, Mr. Akash Tyagi, Adv.
Respondent No. 26 :Mr. Vivek Singh, Mr. Swastik advs
State of M. P. : Mr. V. K. Shukla, Mr. Himanshu Dubey Adv
Mr. Bharat Gupta and Mr. Rajat Jariwal Adv.
UPPCB : Mr. Daleep Kr. Dhyani, Advocate
Respondent No. 36 : Mr. Anip Sachthey, Ms. Anjali Chauhan and
Mr. Ria Sachthey, Adv
State of Uttar Pradesh : Mr. Sharad Chauhan, Adv.
Mr. Rajkumar Adv. with Mr. Bhupender LA
: Mr. I.K. Kapila, Adv. for Uttar Pradesh Jal
Nigam
Mr. Bhanwar Pal Singh Jadon, Adv.
Mr. Rajat Jariwal, Adv.

Original Application No.20 of 2014

Present: Applicant : Ms. Katyayni, Ms. Mehak Rastogi, Adv.
Respondent No. 1 :Ms. Panchajanya Batra Singh, Advocate with
Ms. Aanya Shrotriya, Adv. for MoEF& CC
Respondent No. 2 :Mr. Raj Kumar, Advocates
Respondent no.5 :Mr. Daleep Kumar Dhyani, Adv
State of M. P. :Mr. V. K. Shukla and Ms. Vijay Laxmi, Adv.
:Mr. Anip Sachthen, Ms. Ria Sachthey, Adv.
and Ms. Anjali Chauhan, Adv.
State of Uttar Pradesh : Mr. Sharad Chauhan, Adv.
Mr. Krishna Kumar Singh Adv.
Mr. Rajkumar Adv. with Mr. Bhupender LA
Mr. Amit Tiwari, Adv.
Mr. Syed Shahid Hussain Rizvi and Mr. Zeeshan
Rizvi, Adv.
Mr. Bhanwar Pal Singh Jadon, Adv.
Dr. Vijendra Mahndiyani, Adv. for State of UP
Mr. Daleep Kr. Dhyani Adv.
Mr. Vikrant Pachnando, Mr. Nishant Rao and
Ms. Tanvi Manchando, Adv.
Mr. Rajul Shrivastav, adv.
Mr. Sanjay Sen, 'S. Adv., Mr. Rishi Agrawal,
Adv., Ms. Aanchal Mullick, Adv., Mr. Nishant
Rao, Adv., Ms. Tanvi Manchanda, Adv.

25.

MR. Pawan Upadhyay, MR. Akash Tyagi
and Mr. Krishna Venodia, Advs.

Date and Remarks	Orders of the Tribunal
<p>Item No. 26 & 27</p> <p>December 06, 2017</p>	<p>We have heard the Learned Counsel appearing for the parties. We dispose of these applications with the following directions:-</p> <ol style="list-style-type: none"> 1. We accept the interim report dated 07-07-2014 and final report dated 20-08-2015 filed by the Core Committee before the Tribunal as there are no objections raised by any of the stakeholders before us to the acceptance to the said reports. Consequently, we accept the reports\. 2. Keeping in view of the facts and circumstances of the case, the Core Committee shall conduct a fresh inspection within four weeks from today and all the industries located in the area in question as well as localities around those industries. It will examine whether the recommendations made by the Core Committee already in its report dated 14-02-2014, 07-07-2014 and 20-08-2015 have been implemented or not and how they need to be. If any stakeholder is to be found deficient in compliance in taking action, what action should be taken against that industries or authorities or State Government for that default. 3. We hereby constitute two separate committees for appropriate implementation of the recommendations made by the Core Committee in their reports and these committees in their respective States shall be responsible for implementation of those directions

	<p>Item No. 26 & 27</p> <p>December 06, 2017</p>	<p>without any further delay. The Committee shall consist of the followings in each States:-</p> <ul style="list-style-type: none"> i) Secretary Environment of the respective States ii) Member Secretary of the Pollution Control Board of the concerned States iii) District Magistrate of the concerned district who shall be conveners of the meeting. iv) Zila Panchyat Adyayksh of the District in which the village falls inspection of which is being conducted by the Team. v) Nominee of the Mayor in the case of Urban areas. vi) Senior Officer from the Coal Mine Department of the States <p>4. This Supervisory Committee shall perform dual functions. First, is with regard to supervision of the implementation and recommendations issued by the Core Committee. Secondly, would also suggest to the Core Committee such further steps that have to be taken in the interest of environment, ecology and public health.</p> <p>5. The Supervisory Committee shall submit a monthly report of the Core Committee and the Core Committee in turn shall submit the report to the Tribunal every three months.</p> <p>6. We direct that the Member Secretary of the respective State Pollution Control Boards, the District Magistrate of the concerned district and the Director/Partner/Executive Officer of the industry-thermal plant shall ensure that every village in the</p>
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27

	<p>Item No. 26 & 27</p> <p>December 06, 2017</p>	<p>region of Singrauli region including coal mining area, every village is provided with an RO plant and if the population of the village so demands at least two or even more plants shall be provided in that village to ensure that residents of the village get potable water for drinking purposes at any cost. All the industries shall be liable to bear the cost in discharge of their corporate social responsibility as well as on the fact that the existing pollution is attributable to them in one way or the other. The Principle of polluter pays has to be invoked but we make it clear that at this stage we are not returning the findings that these industries are causing pollution, as of now. We will leave it to the inspection team to return their findings in that behalf with complete analysis report.</p> <p>7. Since this region falls both in the State of Uttar Pradesh and in the State of Madhya Pradesh, both the State Pollution Control Boards along with the Department of Environment of the State Government shall fix on-line air monitoring system. They shall also ensure that water quality monitoring system is also provided wherever the water body or the river is there near to village/ industrial complexes etc.</p> <p>8. We further order and direct that Core Committee upon recommendations of the Supervisory Committee may consider and providing of further time for compliance or directions provided that it is shown that effective steps have already been taken by the industries and they are in the process of</p>
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78

	<p>Item No. 26 & 27</p> <p>December 06, 2017</p>	<p>compliance of the directions may be like installation of ETP or any other anti pollution devises that has been recommended or directed.</p> <p>9. For installation of RO plant, land would be provided by the Government/Gram Panchayat and entire cost for installation or maintenance would be borne by the industries.</p> <p>10. The Supervisory Committee would be at liberty to take input/advise or opinion of any authority or body including Director General of Mines Safety.</p> <p>11 All the stone crushers which are operating in these regions without obtaining consent of the Board and permission from the competent authority shall be shut down without further notice. The stone crusher which are permitted to operate would also be responsible for installation of RO system at the place where there are number of stone crushers running and they would be guided by the same directions as we have afore-recorded in the case of industries.</p> <p>With the above directions these applications i.e. Original Application No. 276/2013 and Original Application No. 20/2014 stand disposed of without any order as to cost.</p> <p>As and when the report is submitted by the Core Committee the same shall be registered separately and place before the Tribunal for appropriate orders.</p>
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29

<p>Item No. 26 & 27</p> <p>December 06, 2017</p>	<p><u>M. A. NO. 571/2016 and M. A. No. 59/2014</u></p> <p>These applications do not survive for consideration as the main application itself stand disposed of.</p> <p>M. A. NO. 571/2016 and M. A. No. 59/2014_stand disposed of with no order as to cost.</p> <p>.....,CP (Swatanter Kumar)</p> <p>.....,JM (Dr. Jawad Rahim)</p> <p>.....,JM (Raghuvendra S. Rathore)</p> <p>.....,EM (Bikram Singh Sajwan)</p>
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**REPORT OF THE CORE COMMITTEE
[CONSTITUTED BY THE HON'BLE NATIONAL GREEN
TRIBUNAL (NGT), NEW DELHI FOR "MONITORING OF
POTENTIAL HAZARDS OF INDUSTRIAL
DEVELOPMENT IN SINGRAULI AREA]**

**IN COMPLIANCE TO THE ORDER OF THE HON'BLE
NATIONAL GREEN TRIBUNAL DATED DECEMBER 06,
2017**

**[In the Matter of OA No. 276 of 2013 & M.A. No. 59
of 2014 in O.A. No. 20 of 2014]**

FEBRUARY, 2018

Order of The National Green Tribunal

The National Green Tribunal, Principal Bench, New Delhi, in its order of December 06, 2017 (**Annexure 1**), directed the Core Committee (**Annexure 2**) to conduct a fresh inspection within four weeks from the date of passing the order of all the industries located in the area in question as well as localities around those industries. The Core Committee shall also examine whether the recommendations made by the Committee already in its report dated 14-02-2014, 07-07-2014 and 20-08-2015 have been implemented or not and how they need to be. If any stakeholder is to be found deficient in compliance in taking action, what action should be taken against that industries or authorities or State Government for that default.

Further, the NGT had constituted two separate Supervisory Committees for appropriate implementation of the recommendations made by the Core Committee in their reports and these committees in their respective States shall be responsible for implementation of those directions . Committee shall consist of the following in each State:-

- i) Secretary Environment of the respective States
- ii) Member Secretary of the Pollution Control Board of the concerned States
- iii) District Magistrate of the concerned district who shall be conveners of the meeting.
- iv) Zila Panchyat Adyayksh of the District in which the village falls inspection of which is being conducted by the Team.
- v) Nominee of the Mayor in the case of Urban areas.
- vi) Senior Officer from the Coal Mine Department of the States

As per the Order, these Supervisory Committees shall perform dual functions, namely, of supervision of the implementation and recommendations issued by the Core Committee and provide suggestion to the Core Committee such further steps that have to be taken in the interest of environment, ecology and public health.

The Supervisory Committees shall submit monthly reports to the Core Committee and the Core Committee, in turn, shall submit reports to the Tribunal every three months.

The NGT has further directed the Member Secretary of the respective State Pollution Control Boards (SPCBs), the District Magistrate of the concerned district and the Director/Partner/Executive Officer of the industry / thermal power plant to ensure that :

- every village in the region of Singrauli region including coal mining area is provided with an RO plant and if the population of the village so demands at least two or even more plants shall be provided in that village to ensure that residents of the village get potable water for drinking purposes at any cost,
- all the industries shall be liable to bear the cost in discharge of their corporate social responsibility as well as on the fact that the existing pollution is attributable to them in one way or the other. The Principle of Polluter Pays has to be invoked wherever applicable

Since this region falls both in the State of Uttar Pradesh and in the State of Madhya Pradesh, both the State Pollution Control Boards along with the Departments of Environment of the State Government shall fix on-line air monitoring system. They shall also ensure that water quality monitoring system is also provided wherever the water body or the river is there near to village/ industrial complexes etc.

The NGT further orders and directs that Core Committee, upon recommendations of the Supervisory Committee, may consider and providing of further time for compliance or directions provided that it is shown that effective steps have already been taken by the industries and they are in the process of compliance of the directions may be like installation of ETP or any other anti-pollution devises that has been recommended or directed. For installation of RO plant, land would be provided by the Government/Gram Panchayat and entire cost for installation or maintenance would be borne by the industries. Further, the Supervisory Committee would be at liberty to take input/advise or opinion of any authority or body including Director General of Mines Safety.

According to this Order, all the stone crushers which are operating in these regions without obtaining consent of the Board and permission from the competent authority shall be shut down without further notice. The stone crusher which are permitted to operate would also be responsible for installation of RO system at the place where there are number of stone crushers running and they would be guided by the same directions as has been provided to the industries.

Status of Compliance of the Recommendations made by the Core Committee in its Report submitted on July 2015, based on the discussion and field visits held on January 8 and 9, 2018

For restoration of the environment and the prevention of pollution in the Singrauli area (both Uttar Pradesh & Madhya Pradesh), the Core Committee, based on the interaction with the people and the observations and findings during the field visit, and the conclusions drawn by the respective Sub-Committees, made the following Industry/ Institution-specific recommendations in its Final Report submitted to the NGT, New Delhi on July 2015 which are

documented hereunder along with the status of compliance documented while carrying out a fresh investigation on January 8 and 9, 2018 pursuant to the Hon'ble NGT order dated December 6, 2017.

1. Thermal Power Plants

1.1 **Recommendation:** Anpara (A&B) and Obra Thermal Power Plants of Uttar Pradesh Rajya Vidyut Utpadan Nigam Ltd. (UPRVUNL) & Anpara C Thermal Power Plant of M/s Lanco Power shall complete their ash water recirculation system (AWRS) and stop discharge of ash pond overflow in Rihand reservoir.

Status of Compliance: AWRSs have been installed and are functional.

1.2 **Recommendation:** All Thermal Power Plants in Sonebhadra and Singrauli Districts shall submit a road map and make all out efforts to achieve target of flyash utilization as per the Notification of 2009. If needed, the plants shall install their own brick and block manufacturing units at suitable sites and these bricks/blocks shall be made mandatory to be used in the buildings and other construction activities by the District Administration/State Government within a 200 km radius of the plants. The state Government may declare a utilization zone for such purpose. The plants shall submit quarterly compliance report to the concerned State Pollution Control Boards.

Status of Compliance: Though the Plants have installed their own brick and block manufacturing units, there bricks and blocks are being used captively and District Administration/State Government is yet to declare the area as a utilization zone where fly ash/bottom ash derived bricks/blocks are made mandatory to be used in the buildings and other construction activities. It is gathered that there are few brick making units which are mixing soil with fly ash to make bricks. It shall be ensured that at least 25% of flyash shall be mixed in making clay bricks within 100 Km radius of thermal power plants, otherwise it will be in contravention to the Fly ash Notification 2009 issued by the MoEF&CC, New Delhi. The status of flyash utilization during 2016-17 in thermal power plants located in the Singrauli area is given as under:

Sl. No.	Name of TPS	Capacity (MW)	Coal Consumption (MT)	Total Ash Gen. (MT)	Total Ash Utilization (MT)	% Ash Utilization in 2016-17
1.	Vindhyachal, NTPC	4760	21.86	7.639	1.796	23.51%
2.	Singrauli, NTPC	2000	10.46	3.677	0.334	9.09%
3.	Rihand, NTPC	3000	14.47	4.854	0.751	15.47%

4.	Obra A&B, UPVUNL	1288	3.25	1.384	0.383	27.65%
5.	Anpara C, Lanco Power	1200	5.59	1.947	0.158	8.11%
6.	Anpara, UPVUNL	2630	10.75	4.03	0.03	0.75%

Flyash utilization is far from the targeted 100% ash utilization. As per the provisions of the Notification of 2009, 25% percent of fly ash should be utilized along with Over Burden (OB) generated in the mines of NCL. During the discussion with the Core Committee, NCL stated that the concerned DGMS had not permitted for the afore referred utilization as the same is not safe and suitable for a working mine and, therefore, the recommendation made by the Core Committee in their final report could not be complied with. However no documents from DGMS in this regard were placed before the Core Committee. The possibility of using Gorbi Mines, abandoned one, is being considered.

- 1.3 Recommendation:** All Thermal Power Plants in Sonebhadra and Singrauli Districts shall be supplied with and use coal not containing ash content more than 34% on quarterly average basis as stipulated vide Notification No. GSR 02 (E) dated January 02, 2014.

Status of Compliance: It could be gathered during discussion that this norm of ash content equal to or below 34 percent is not strictly complied with by the NCL and ash content is going as high as 40 percent was reported.

- 1.4 Recommendation:** Shaktinagar, Rihand, Vindhyachal Thermal Power Plants of NTPC Ltd. and Anpara (A&B) and Obra Thermal Power Plants of UPRVUNL shall install and renovate Electrostatic Precipitators to achieve emission limit of 100 mg/Nm³ as per the long-term action plan prepared under CEPI programme for improvement of air quality of Singrauli area.

Status of Compliance: The Committee was informed during discussion that Shaktinagar, Rihand, Vindhyachal Thermal Power Plants of NTPC Ltd. and Anpara (A&B) and Obra Thermal Power Plants of UPRVUNL have installed/renovated their Electrostatic Precipitators with online monitoring systems. Power Plant wise status of installation/renovation of Electrostatic Precipitators is given as under:

Sr. No.	Name of Plant	ESP upgradation status
1	NTPC ShaktiNagar,UP	R&M of ESPs in progress to meet emission limit of 100mg/Nm ³ . Work completed in two passes of unit Nos 1,3,4 & 5, whereas one pass completed in unit Nos 2,6 & 7. The work in unit Nos 2, 6 & 7

		will be completed by March 2019.
2	NTPC, Rihand, UP	ESP upgradation in stage 1 units completed in June 2016 and claiming to maintain emission level below 100 mg/Nm ³ . Emission from Stage II & II units are reported to be within the limit of 100 mg/Nm ³ .
3	Anpara A & B, UPRVUNL, UP	Feasibility study for upgradation of ESPs is being carried out through NTPC Ltd. No firm time line is given
4	Obra, UPRVUNL, UP	Unit 1-8 phased out. ESP upgradation completed in unit 9-11, work in in unit 12 to be completed by June 2018. Unit 13 will be taken up for R&M after completion unit 12 and likely to be completed in 2019.
5.	NTPC, Vindhyachal, MP	R&M of ESPs in progress to meet emission limit of 100mg/Nm ³ . Work completed in three passes out of four in unit Nos 1-6 of Stage I whereas work completed in both units (7 & 8) of Stage II. The work in remaining passes of unit 1-6 will be completed by March 2018.

1.5 Recommendation: Shaktinagar Super Thermal Power Plant of NTPC Ltd. shall stop discharge of sewage into Ballia Nallah with immediate effect. The sewage from the plant should be treated to meet the statutory requirements for recycle and reuse, for gainful purposes such as gardening.

Status of Compliance: Shaktinagar Super Thermal Power Plant of NTPC Ltd. has installed STP and is utilizing treated sewage for gardening though the possibility of discharge of untreated sewage into Ballia Nallah from time to time cannot be completely ruled out.

1.6 Recommendation: Captive Power Plant (Renusagar Power Company) of M/s Hindalco Industries Ltd. shall commission Pipe Conveyor System for transportation of coal from Krishanshila Coal Mine of NCL to Renusagar Power Company within a month and shall immediately stop transportation of coal by trucks thereafter.

Status of Compliance: Captive Power Plant (Renusagar Power Company) of M/s Hindalco Industries Ltd. has commissioned Pipe Conveyor System for transportation of coal from Krishanshila Coal Mine of NCL to Renusagar Power Company, which is at present functional. However, transportation of coal in open trucks is continued unabated, thereby defying the very purpose of installation of the Pipe Conveyor System. Further, the residents in the concerned area complained about severe noise pollution caused by the prevailing coal transportation system.

1.7 Recommendation: The hazardous waste generated from the power plants shall be disposed off through either authorized Treatment, Storage & Disposal Facility (TSDF) or registered recyclers/users of the hazardous waste. The plants shall obtain authorization for the same from the

concerned State Pollution Control Boards under the Hazardous and Other Waste (Management & Transboundary Movement) Rules, 2016.

Status of Compliance: All the power plants stated that the Authorization from the concerned State Pollution Control Boards was obtained for hazardous waste management and all the concerned plants are disposing off their hazardous wastes through either authorized Treatment, Storage & Disposal Facility (TSDF) or registered recyclers/users of the hazardous waste in accordance with the provisions made in the Hazardous Waste Rules,2016. The same was endorsed by the concerned State Pollution Control Boards.

2 Aluminum Smelter: M/s Hindalco Industries, Renukoot

- 2.1 **Recommendation:** Industry shall achieve emission limit of 50 mg/Nm³ for particulate matter in respect of Baking furnace No. 3 & 4. The emission from baking furnace No. 5 should also be limited to 50 mg/Nm³.

Status of Compliance: The UP State Pollution Control Board has endorsed that M/s Hindalco Industries at Renukoot has achieved emission limit of 50 mg/Nm³ for particulate matter in respect of Baking furnace Nos. 3 , 4 and 5.

- 2.2 **Recommendation:** Industry shall ensure that no red mud is leached out to ground water during monsoon and post monsoon period. Besides, industry shall facilitate utilization of Red Mud in nearby cement industries. The industry shall also explore the possibility of extraction of titanium and other heavy metals from the Red Mud.

Status of Compliance: The satellite imagery of the concerned area shows that the red mud disposal area is vast. The field visit has revealed that the number of piezometers installed in the area is far from adequate in monitoring ground water pollution and a massive monitoring network system has to be installed for this purpose.

The industry has taken initiative on red mud utilization in nearby cement industry though this initiative helps in utilizing a fraction of red mud generated per day. The industry is yet to take initiative to explore the possibility of extraction of titanium, while it could successfully extract vanadium from the red mud.

- 2.3 **Recommendation:** Industry shall submit an action plan by October 31, 2015 to achieve zero discharge of waste water by December 31, 2016.

Status of Compliance: The Core Committee was informed that the industry has taken a zero waste water discharge initiative though no such action plan could be provided to the Committee.

- 2.4 **Recommendation:** The hazardous waste generated from the industry shall

be disposed off through either authorized Treatment, Storage & Disposal Facility (TSDF) or registered recyclers/users of the hazardous waste. The industry shall obtain authorization for the same from the concerned State Pollution Control Boards under the Hazardous and Other Waste (Management & Transboundary Movement) Rules, 2016.

Status of Compliance: The Industry stated that it had obtained the Authorization from the concerned State Pollution Control Board for hazardous waste management and are disposing off its hazardous wastes through either authorized Treatment, Storage & Disposal Facility (TSDF) or registered recyclers/users of the hazardous waste in accordance with the provisions made in the Hazardous Waste Rules, 2016. It was endorsed by the UP State Pollution Control Board.

3. M/s Aditya Birla Chemicals, Renukoot

3.1 **Recommendation:** Industry shall ensure installation and proper operation of effluent treatment plant so as to ensure the compliance of the effluent discharge standard. The industry shall also ensure that no untreated/improperly treated effluent finds its way in to the Nallah leading to the Rihand Reservoir.

Status of Compliance: The industry has installed membrane reactor to recover water from the waste water for recycle followed by multiple effect evaporators to handle the membrane reactor rejects with the aim of achieving zero liquid discharge. The salt is destined for disposal in a secured land fill, while possibilities are being explored for in-plant utilization for the waste derived salt.

The industry has installed STP, but the treated effluent was seen discharged into a channel leading to Rihand Reservoir.

3.2 **Recommendation:** Industry shall submit an action plan within one month so as to achieve zero discharge of waste water by July 31, 2016.

Status of Compliance: The action plan implemented by the industry as could be seen from the Status of Compliance (1) is partial. Plan needs to be prepared for the treated sewage which is being discharged and not utilized in the process plant after necessary renovation.

3.3. **Recommendation:** The industry shall obtain authorization for the same from the concerned State Pollution Control Boards under Hazardous and Other Waste (Management & Transboundary Movement) Rules, 2016

Status of Compliance: The Industry stated that it had obtained the Authorization from the concerned State Pollution Control Boards for hazardous waste management and are disposing off its hazardous wastes through either authorized Treatment, Storage & Disposal Facility (TSDF) or registered recyclers/users of the hazardous waste in accordance with the

provisions made in the Hazardous Waste Rules, 2016. The same was endorsed by the UP State Pollution Control Board.

However, storage of mercury bearing brine sludge and the muck contaminated with chlorinated chemicals inside the premises is not permitted in the industry's premises by the prevailing Hazardous Waste Management Rules, 2016 and, therefore, these wastes are to be shifted to a suitable TSDF immediately without any further delay.

4. M/s Northern Coalfields Limited (NCL)

- 4.1 **Recommendation :** That all the coal mines of NCL in Singrauli area shall ensure that their waste water from different processes is integrated and subjected to treatment in the effluent treatment plant. Entire treated effluent shall be reused in the dust suppression on haul roads, irrigation on mine overburden and other associated operations which shall eventually result in zero discharge of waste water from the coal mines.

Status of Compliance: The Core Committee was informed that all the coal mines of NCL in Singrauli area has ensured that their waste waters from different processes are integrated and subjected to treatment in the effluent treatment plant. Entire treated effluent is being reused in the dust suppression on haul roads, irrigation on mine overburden and other associated operations which eventually results in zero discharge of waste water from the coal mines

- 4.2 **Recommendation:** Coal mines of NCL should use 25% fly ash from thermal power plants on volume to volume basis for external dump of overburden and also 25% of the over burden in the upper benches of back filling of exhausted pits of all open cast mines of NCL under the guidance of DGMS as per Notification dated November 03, 2009. Further, the external dump and exhausted pits should be scientifically reclaimed using suitable biological and engineering measures.

Status of Compliance: The Core Committee noted that as per the provisions of the Notification of 2009, 25% percent of fly ash should be utilized along with Over Burden (OB) generated in the mines of NCL. During the discussion with the Core Committee, NCL stated that the concerned DGMS had not permitted them for the afore referred utilization as the same is not safe and suitable for a working mine and, therefore, the recommendation made by the Core Committee in their final report could not be complied with. However, no documents from DGMS in this regard were placed before the Core Committee. It was also brought to the notice that in a meeting taken by Chief Secretary Govt of MP on 16-10-15, NCL has informed that work order for the study of mixing of fly ash has been awarded to CMPDI. The report was required to be submitted with in 3 month's time to MPPCB, which has not been submitted by NCL so far even after more than 2 years. Similarly, Gorbi Mine of the NCL which has been abandoned since 1996, and which is filled with acidic water, is not being

provided to NTPC for back filling with fly ash. The core committee is satisfied that NCL is not taking seriously the recommendations of the core committee or the provisions of Fly ash Notification. The core committee recommends that NCL shall produce relevant findings of DGMS as well as CMPDI within 6 weeks and also sign MOU with NTPC for the disposal of flyash in Gorbi Mines within 8 weeks. The external dump is being scientifically reclaimed using suitable phytorestitution and engineering measures.

- 4.3 **Recommendation :** The coal mines of NCL shall ensure the compliance of the Notification of 2014 on the supply and use of beneficiated coal to thermal power plants in the Singrauli area.

Status of Compliance : It could be gathered during discussion that this norm of ash content equal to or below 34 percent is not strictly complied with by the NCL and ash content is going as high as 40 percent and beyond. Coal beneficiation is, therefore required to obtain coal with ash percentage less than 34%.

- 4.4 **Recommendation:** The coal mines shall ensure that transportation of coal shall only be either by railway wagons or by the dedicated conveyor system. No transportation of coal shall be permitted by road to any of the industries in the Singrauli area.

Status of Compliance : Although transportation of coal is being carried out by railway wagons and by the dedicated conveyor system, transportation of coal in open trucks is carried out in good number for users other than the thermal power plants resulting in pollution. It has been observed during visit that the coal is transported from Gorbi Block B mine and Jayant Mine of NCL to the Morba Railway siding in MP causing pollution. It was informed that the railway track laying Gorbi Block B mine of NCL to the Morba Railway siding in MP is in final phase and is obstructed due to some local issues. The district administration should sort out the local problems at the earliest so that the road transportation of coal from Gorbi Block B can be stopped immediately. Similarly, the Jayant mine shall either install a coal conveyor system up to Morba railway siding, or should increase the coal handling and storing capacity in the mine premises, so that the coal can be loaded in railway wagons from the mine itself, thereby avoiding its road transportation up to Morba railway siding. The control of dust during coal loading / unloading at Morba and other railway sidings shall be undertaken as per the CPCB guidelines and the concerned Railway Department / Zone shall also take necessary measures of dust control at the railway sidings.

- 4.5 **Recommendation :** The hazardous waste generated from the coal mines shall dispose off through either authorized Treatment, Storage & Disposal Facility (TSDF) or registered recyclers/users of the hazardous waste. The coal mines shall obtain authorization for the same from the concerned State Pollution Control Boards under Hazardous and Other Waste (Management & Transboundary Movement) Rules, 2016.

Status of Compliance : All the coal mines stated that the Authorizations

from the concerned State Pollution Control Boards were obtained for hazardous waste management and all the concerned mines are disposing off their hazardous wastes through either authorized Treatment, Storage & Disposal Facility (TSDF) or registered recyclers/users of the hazardous waste in accordance with the provisions made in the Hazardous Waste Rules, 2016. It was also confirmed by the concerned State Pollution Control Board.

5.0 Stone crushers

- 5.1 **Recommendation:** All stone crushers which operate without effective dust suppression system and without the consent of the concerned SPCB shall be closed forthwith. Feasibility should be assessed for providing wind breaking walls towards upwind direction to prevent dispersion of fugitive dust.

Status of Compliance: The concerned State Pollution Control Boards have stated that all operating stone crushers in the states of UP and MP are having consents. The crushers which are located in MP, are not in clusters, but are isolated and minimum 25-30 Kms from the designated Critically Polluted Area (CPA) of MP. However, big cluster (s) of stone crushers exist/s in Dist Sone Bhadra, UP at (Dala, Obra & Markundi area). The State Pollution Control Boards have assessed the feasibility for providing wind breaking walls towards upwind direction to prevent dispersion of fugitive dust. The results were found to be far from satisfactory and air pollution near stone crushers/stone crusher clusters at Dala, Dist. Sonebhadra was high during the inspection.

- 5.2 **Recommendation :** The concerned State Pollution Control Boards, in consultation with the Central Pollution Control Board, shall also look into the ambient air quality of the area in the 500 m zone from the crushers and suggest and enforce such measures as may be necessary to reduce the fugitive dust emission from the crushers. If necessary, the dust emission norms/ norms for the ambient air quality in the immediate vicinity of the crushers shall be reviewed and made more stringent.

Status of Compliance: The Core Committee, during the field visit, found the status of pollution in the cluster of stone crushers in UP at an unacceptable levels even after adopting all possible mitigation measures (Photograph I).

6. Pollution Control Boards and MoEF & CC

- 6.1 **Recommendation:** The expansion of the existing industries and permission for installation of new industries should only be considered after ensuring that the cumulative impact of emissions and effluents on ambient air and water quality of the area shall not exceed the prescribed

limits.

Status of Compliance: The regional carrying capacity of the entire Singrauli region is to be assessed before any expansion scheme with respect to the existing industries. This assessment is the prerequisite for such consideration in future.

- 6.2 **Recommendation:** The UP & MP Pollution Control Boards shall ensure the implementation of Action Plan formulated in their respective areas under Comprehensive Environmental Pollution Index (CEPI) Programme. Besides, SPCBs shall ensure compliance with respect to emission, effluent and solid waste management by the industries and submit a progress report to the Regional Office of MoEF & CC and CPCB regularly.

Status of Compliance: The Core Committee was informed that necessary compliance had been made by the concerned State Pollution Control Boards.

- 6.3 **Recommendation:** That industries shall provide on-line monitoring systems for emissions and effluent discharge and the data generated shall be transferred to respective SPCB and the CPCB on continuing basis.

Status of Compliance: The Core Committee was informed that all the major stacks are being continuously monitored and these are linked with the CPCB/SPCB network. Effluent discharges from the industries are monitored once a month.

- 6.4 **Recommendation:** The existing network of monitoring system for AAQ monitoring in both the districts of UP & MP need to be strengthened and expanded to get representative air quality status of Singrauli area. Industries in the area should install at least three continuous ambient air quality monitoring stations within six months on "**Polluter Pays Principle**" at such locations as may be decided by CPCB in consultation with the respective SPCBs. The data generated should be transferred to SPCBs and CPCB on continuing basis.

Status of Compliance : *The Core Committee was informed that 11 number of online continuous ambient air quality monitoring stations have been installed at Rihand (02), Shakinagr (03), Vindhyachal (04), Renusagar (01) & Anpara (01) locations in Singrauli area (UP & MP) which are now linked to the CPCB/SPCB network.*

- 6.5 **Recommendation :** The levels of mercury in ambient and ground and surface water is reported to be one of the major problems in Singrauli area. Therefore, it is essential that at least three continuous monitoring systems for mercury (Hg) monitoring in the ambient air and surface and ground water should be installed (covering both the Districts of UP & MP) at suitable locations in the Singrauli area by the industries on "**Polluter Pays Principle**". CPCB in consultation with the SPCBs shall guide the industries in the location of the monitoring stations.

Status of Compliance : Monitoring of mercury in ambient air as well as in surface and ground water is not being monitored on a continuous basis.

7. District Administration of respective States

- 7.1 **Recommendation:** Poor road conditions in the area are also one of the major sources of pollution. It is, therefore, recommended that the respective State Governments should take immediate measures to improve the road conditions in the area in a time-bound manner and ensure the regular maintenance of the roads.

Status of Compliance : It has come to the notice of the Core Committee that the Awdi-Shaktinagar Marg and Singrauli-Awdi -Dibulgunj Marg are extensively used for heavy traffic and for clandestine coal transport leading to dust pollution. Further, the dense population which residing along these roads are severely affected by dust and noise pollution. Road conditions improved ,but constant maintenance is not ensured leading to damage to roads used by heavy trucks.

- 7.2 **Recommendation:** Fluoride affected villages must be supplied with safe drinking water (RO treated water) under the supervision of the District Administration. All the tube wells supplying contaminated water should install SIGN BOARDS informing public not to use the tube well water for drinking purposes. The concerned Departments (Irrigation/ Jal Nigam) of the State Administration should submit a compliance report to Regional Office of MoEF & CC every month. The maintenance of these RO systems along with education of residents about proper method and benefits of RO water shall also be ensured.

Status of Compliance: It has come to the notice of the Core Committee that some industries have installed RO plants in the fluoride affected villages, though the required number of such plants is still high. A sign board informing public not to use the tube well for drinking purposes in Kusumaha village was seen. During meeting with the villagers, it was revealed that they are aware of the benefits of RO water and happy to use RO water.

- 7.3 **Recommendation:** The concerned Departments (Irrigation/ Jal Nigam) of the State Administration shall also ensure proper disposal of the RO rejects, so as not to affect the ground water and surface water streams and the soil of the area.

Status of Compliance: The Core Committee found during the field visit that there is no strategy for disposal of the RO rejects in an environmentally friendly manner. Such a situation is encouraging dumping of RO rejects which adversely affect nearby land as well as water resources.

- 7.4 **Recommendation:** As the patients with clinical manifestations suggestive of fluorosis were also noted to have severe malnutrition. Therefore, mineral and nutrient supplements for these areas should be ensured by the District Administration.

Status of Compliance : The Core Committee learned that mineral and nutrient supplements for these areas are not provided by the District Administration.

- 7.5 **Recommendation :** The patients with clinical manifestations suggestive of fluorosis must be monitored for their health through a scientific plan of periodic checkup as recommended by KGMU, AIIMS, Bhopal and IMS, BHU. Dental as well as bone fluorosis can be improved, if detected in the early stage.

Status of Compliance : The Core Committee learned that health monitoring of fluorosis affected population is not being systematically carried out with periodic check-up as recommended by KGMU, AIIMS, Bhopal and IMS, BHU.

- 7.6 **Recommendation :** Considering the reports of the clinical examination and recommendations by the Sub-Committee on Health, it is essential that a Standard Toxicological Testing and Analysis Laboratory should be established in the region.

Status of Compliance : The Core Committee did not find any initiative taken by the District Administration with a view to establishing a Standard Toxicological Testing and Analysis Laboratory to cater to the needs of the Singrauli region.

- 7.7 **Recommendation:** There is a need to train Health care workers including Doctors for identifying the sources of diseases due to fluoride/mercury emission/discharge and treating the affected patients. Therefore, Training Centers can be established in KGMU, Lucknow and AIIMS, Bhopal for such a purpose.

Status of Compliance : The proposed Training Centers are yet to be established for identifying the sources of diseases due to fluoride/mercury emission/discharge and treating the affected patients.

- 7.8 **Recommendation:** There are a number of health related issues like silicosis, fluorosis, and the impact of mercury on the people in the area, which need to be examined in detail. Therefore, a long-term project needs to be planned with proper funding and adequate manpower under "**Polluter Pays Principle**" for estimating the magnitude of health related problem in the area.

Status of Compliance: The District Administration is yet to identify long-term project needs with proper funding and adequate manpower under "**Polluter Pays Principle**" for estimating the magnitude of health related

problem with special reference to silicosis, fluorosis, and the impact of heavy metals such as mercury on the people in the area.

Issues raised by residents/ NGO /activists/ media

The Core Committee received representations from residents of Shonbhadra district, NGO and Press. The representations given by the residents, Gram panchayats and Patrakar Union placed at **Annexure III**. The issues highlighted through these representations are summarized as under:

- Pollution in Singrauli area due to inadequate management of fly ash and red mud.
- Sewage contamination in Balliah Nullah due to leakage in the pipeline laid by NTPC Shaktinagar.
- Pollution due to transportation of coal by road and disposal of fly ash.
- Pollution due to stone crushers.
- Non-address of health issues arising out of fluoride, mercury and air pollution.

Final Recommendations

Compliance requirement identified during the Inspection carried out in pursuance of the Order of the NGT dated December 6 ,2017.

The Core Committee carried out a fresh investigation in the Singrauli area on January 8 and 9 , 2018 as directed by the NGT,New Delhi (vide order dated December 6,2017).The compliance necessary further are documented as under:

(i) Thermal Power Plants

- a) All the AWRS and ESPs installed by the thermal power plants should be made functional on continuous basis. The stacks of the power plants and the ambient air monitoring stations need to be linked with CPCB/SPCB network.
- b) Necessary renovation of the ash dykes needs to be carried out in order to prevent ash slurry going to Rihand Reservoir.

- c) District Administration/State Government is required to declare an area in the 300 km radius of the power plants as a utilization zone where fly ash/bottom ash derived bricks/blocks and building products are made mandatory to be used in the buildings and other construction activities. It is gathered that there are few brick making units which are mixing soil with fly ash to make bricks. It shall be ensured that at least 25% of flyash shall be mixed in making clay bricks within 100 Km radius of thermal power plants, otherwise it will be in contravention to the Fly ash Notification 2009 issued by the MoEF&CC, New Delhi. The making of bricks from soil or mixed soil is to be banned forthwith.
- d) All Thermal Power Plants in Sonebhadra and Singrauli Districts must be supplied with coal containing ash less than 34% on quarterly average basis as stipulated vide Notification No. GSR 02 (E) dated January 02, 2014.
- e) Shaktinagar Super Thermal Power Plant of NTPC Ltd. must repair their damaged pipeline and stop discharge of sewage into Ballia Nallah with immediate effect.
- f) Transportation of coal in open trucks is continued unabated thereby defying the very purpose of installation of the Pipe Conveyor System. Further, the residents in the concerned area complained about severe noise pollution caused by the prevailing coal transportation system. Necessary compliance should be carried out to reduce the noise pollution to the level required by the concerned SPCB with immediate effect. In case of dire necessity of transportation of fly ash and bottom ash, CPCB Guidelines for Loading/Unloading and Transportation of Flyash (December 2013), made for this purpose should be strictly followed. CCTV cameras are to be installed at strategic locations to monitor such transports by the concerned SPCBs. NCL, Gorbi Block B mine shall complete its railway track at the earliest and stop road transportation of coal up to Morba Railway siding. Similarly, Jayant mine shall either transport coal upto Morba railway siding by conveyor system or make arrangements to load the entire coal in railway wagons from the mine itself and stop the road transportation of coal.

(ii) Aluminum Smelter: M/s Hindalco Industries, Renukoot

- a) Industry shall achieve emission limit of 50 mg/Nm³ for particulate matter in respect of all Baking furnaces. The emission from boilers shall be reduced to the level of 50 mg/Nm³ from the existing norms of 150 mg/Nm³ by December 31, 2019 retrofitting of exiting ESPs and also meet emission limit of SO₂ & NO_x notified for industrial boilers.
- b) Industry shall ensure that no red mud is leached out to ground water during monsoon and post monsoon period. Piezometers/monitoring wells

should be installed in and around the red mud disposal sites in consultation with the CGWB/concerned SGWB. Regular monitoring of the leachate should be carried out as per the sampling and analysis plan as proposed by the concerned SPCB. Besides, industry shall facilitate utilization of Red Mud in nearby cement industries, including those located in MP. The industry shall also explore the possibility of extraction of titanium and other heavy metals from the Red Mud.

- c) The Core Committee was informed that the industry has taken a zero waste water discharge initiative though no such action plan could be obtained. This action plan must be made ready within a month's time and submitted to UPPCB for necessary approval

(iii) M/s Aditya Birla Chemicals, Renukoot

- a) Industry shall ensure proper operation of effluent treatment plant so as to ensure the compliance of the effluent discharge standard. The industry shall also ensure that no untreated/partially treated effluent finds its way in to the Nallah leading to the Rihand Reservoir. The channel leading to Rihand Reservoir has to be intercepted, diverted and treated within the industry. The nallah presently passing through the factory should be isolated so that the industry cannot discharge any treated/partially treated/untreated effluent which is being done now.
- b) There is also an urgent need for the preparation of an action plan by the industry to shift the mercury bearing brine sludge and the muck contaminated with chlorinated chemicals from the factory premises to the TSDF in consultation with the UP State Pollution Control Board. It may be stated here that storage of hazardous mercury bearing brine sludge and the muck contaminated with chlorinated chemicals inside the premises is not permitted by the prevailing Hazardous Waste Management Rules, 2016 and, therefore, to be shifted to a suitable TSDF immediately.

(IV) M/s Northern Coalfields Limited (NCL)

- a) As per the provisions of the Notification of 2009, 25% percent of flyash should , along with Over Burden (OB) generated in the mines of NCL, be used for back filling the abandoned mine. NCL must sign an MOU with NTPC and make available the abandoned Gorbi Mine for this purpose without further delay. NCL is required to obtain the necessary permission from the concerned DGMS in this regard. Further, the external dump and exhausted pits should be scientifically reclaimed using suitable biological and engineering measures as well as by mixing fly ash as per fly ash notification. Since human habitation has been seen to exist in the close proximity of the OB dump, NCL must take all possible initiatives for slope stabilization thereby preventing any possibility of accidents of sliding OB causing damage to property and life.

- b) The norm of ash content equal to or below 34 percent is not strictly complied with by the NCL and ash content is going as high as 40 percent and beyond. Coal beneficiation is, therefore, to be initiated to obtain coal having less than 34 % ash.
- c) Also, the coal mines shall ensure that transportation of coal shall only be either by railway wagons or by the dedicated conveyor system. No transportation of coal shall be permitted by road to any of the industries in the Singrauli area, as recommended earlier also. The railway wagon loading area requires better material management as severe dust pollution is found in the area.

(v) Stone crushers

- a) All stone crushers in Singrauli are have not taken adequate pollution control measures as the level of air pollution in the vicinity of stone crushers is high and causes a health hazards. Most of the crushers are located very near to habited area or very near to the roads/ highways. All such stone crushers which are not suitably located as well as which do not have adequate pollution control systems should be immediately closed. Relocation of stone crushers may also be explored.

(vi) Pollution Control Boards and MoEF & CC

- a) The regional carrying capacity of the entire Singrauli region is to be assessed before allowing any expansion scheme with respect to the existing industries. This assessment is the prerequisite for such consideration in future.
- b) The concerned SPCBs must ensure that all the major stacks from all the industries are being continuously monitored and these are linked with the CPCB/SPCB network. Effluent discharges from the industries are monitored once a month.
- c) The existing network of monitoring system for AAQ monitoring in both the districts of UP & MP need to be strengthened and expanded to get representative air quality status of Singrauli area. Industries in the area should install at least three continuous ambient air quality monitoring stations forthwith on "Polluter Pays Principle" at such locations as may be decided by CPCB in consultation with the respective SPCBs. The data generated should be transferred to SPCBs, CPCB and MoEF & CC on continuing basis.
- d) It is also essential that at least three continuous monitoring systems for mercury (Hg) monitoring in the ambient air should be installed (covering both the Districts of UP & MP) forthwith at suitable locations in the Singrauli area by the industries on "**Polluter Pays Principle**". CPCB in

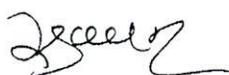
consultation with the SPCBs shall guide the industries regarding the location of the monitoring stations. Besides mercury in and surface and ground water should also be monitored manually once in a three months.

(VII) District Administration of respective States

- a) The Awdi-Shaktinagar Marg and Singrauli-Awdi -Dibulgunj Marg are extensively used for heavy traffic and for clandestine coal transport leading to dust pollution. Further, the dense population which are residing along these roadsides are severely affected by dust pollution. As has been mentioned, coal transportation by open truck is to be banned forthwith. CCTV cameras are to be installed at strategic location to record any violation in this regard.
- b) To improve the prevailing situation, these roads are required to have 4/6 lanes and the pavements should be furnished with inter locking bricks of suitable quality to arrest air entrainment of dust.
- c) Since there is no strategy for disposal of the RO reject in an environmentally friendly manner, prevailing practice of dumping of RO reject shall affect nearby land as well as water resources with long term consequences leading to irreversible ecological damage. Therefore no further installation of RO plants in affected villages is recommended. Instead water supply should now be practiced using water tankers as an interim measure. Piped water supply from Rihand reservoir will be a long term solution for drinking water supply to fluoride and mercury affected villages.
- d) In the past Rihand reservoir was polluted by the major industries in the area such as thermal power plants, coal mines, M/s Aditya Birla Chemicals, Renukoot and M/s Hindalco Industries, Renukoot. Since this reservoir is the only drinking water source in the area, the reservoir needs restoration and protection. A comprehensive study needs to be undertaken to assess the reservoir's water and sediment quality and to delineate water and sediment remediation and restoration measures on **Polluter Pays Principle**. All the streams and nullahs joining the reservoir need to be intercepted and diverted to save the reservoir from further pollution. CSIR-NEERI, Nagpur and/or CSIR-IITR, Lucknow may be entrusted with this study for which both these organizations have the requisite expertise.
- e) As the patients with clinical manifestations suggestive of fluorosis were also noted to have severe malnutrition, mineral and nutrient supplements for these areas should be ensured by the District Administration. Further, patients with clinical manifestations suggestive of fluorosis must be monitored for their health through a scientific plan of periodic checkup as recommended by KGMU, AIIMS, Bhopal and IMS, BHU. Dental as well as bone fluorosis can be improved, if detected in the early stage. It is also essential to establish a Standard Toxicological Testing and Analysis Laboratory in the region. The earlier

recommendation of establishment of Training Centers to train Health care workers including Doctors in KGMU, Lucknow and AIIMS, Bhopal for identifying the sources of diseases due to fluoride/mercury emission/discharge and treating the affected patients must now be done at an early date.

- f) There is a number of health related issues like silicosis, fluorosis, and the impact of mercury on the people in the area, which need to be examined in detail. The District Administration is urgently required to identify long-term project needs with proper funding and adequate manpower under "**Polluter Pays Principle**" for estimating the magnitude of health related problem with special reference to silicosis, fluorosis, and the impact of mercury on the people in the area.
- g) The District Administration of both the States are required to hold monthly meetings of all the stakeholders of Singrauli area ,prepare minutes signed by the Stake holders and place it before the Supervisory Committee constituted by NGT in its order dated December 6,2017.



A. Sudhakar

(Member Secretary CPCB, Delhi)



Prof. I. M. Mishra

(Prof. Chemical Eng. Dept., ISM, Dhan



Dr. Rajesh Singh

(Scientist C, NIH, Roorkee)

Shri T U Khan

(Chief Env. Officer, UPPCB, Lucknow,)



Dr. Khajanchi Lal

(Principal Scientist, IARI, New Delhi)



DR Veeramgami

(Sc B, NIOH, Ahmedabad)

Hemant Sharma

(Chief Engineer MPPCB, Bhopal)

Dr. Vishavjit Kumar

(Scientist D, ICFRE Dehardun)



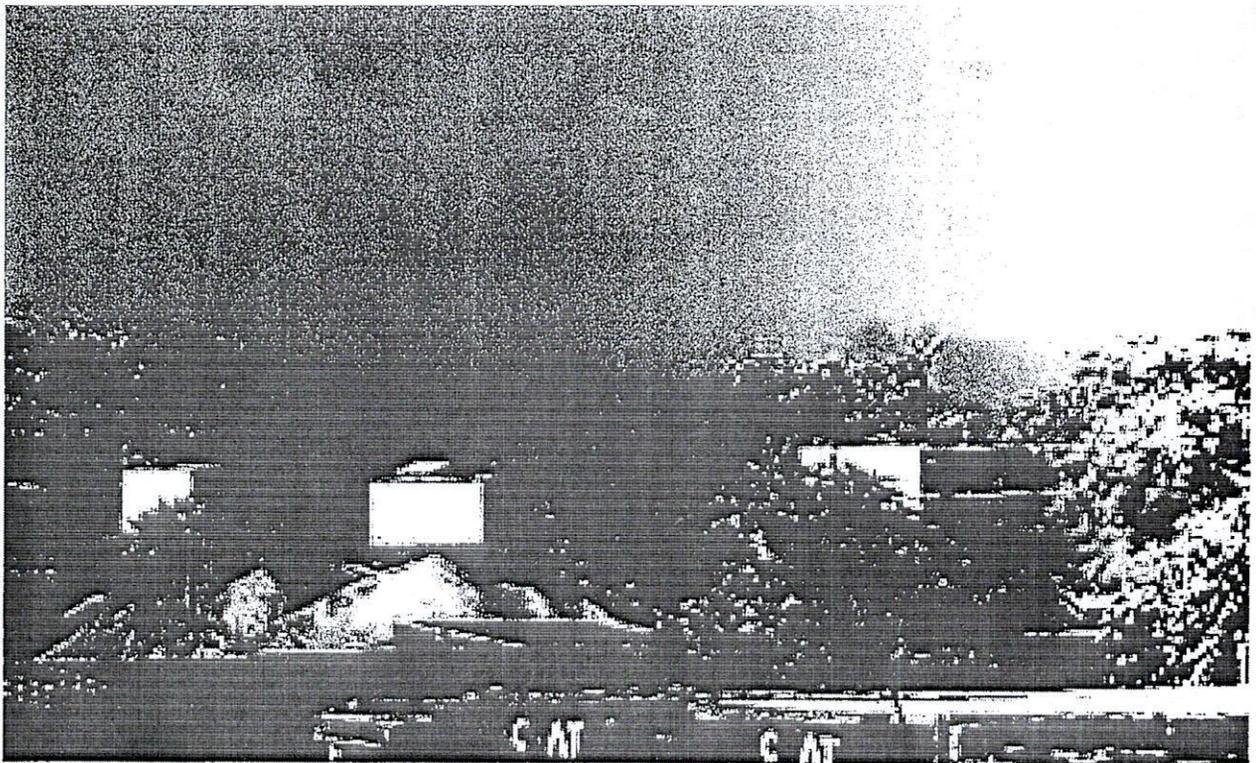
Dr. Tapan Chakrabarti

(Chairman of Core Committee & former Director , NEERI, Nagpur)

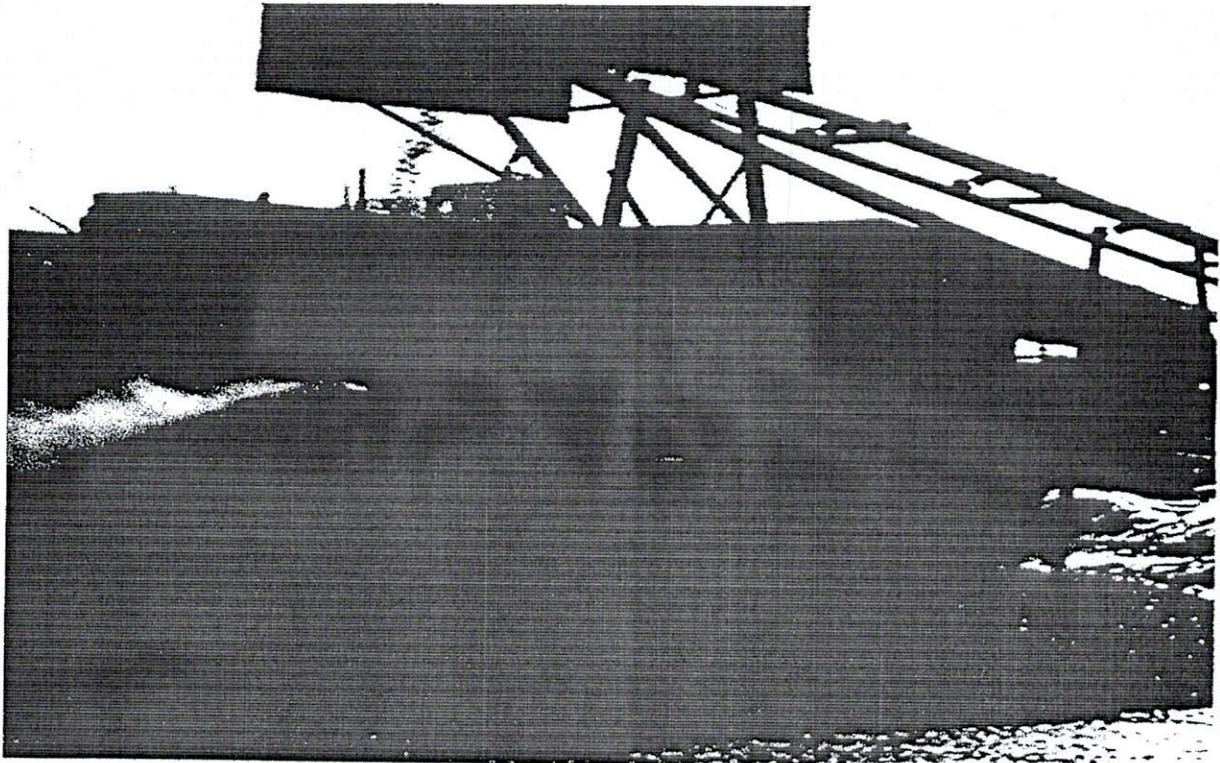
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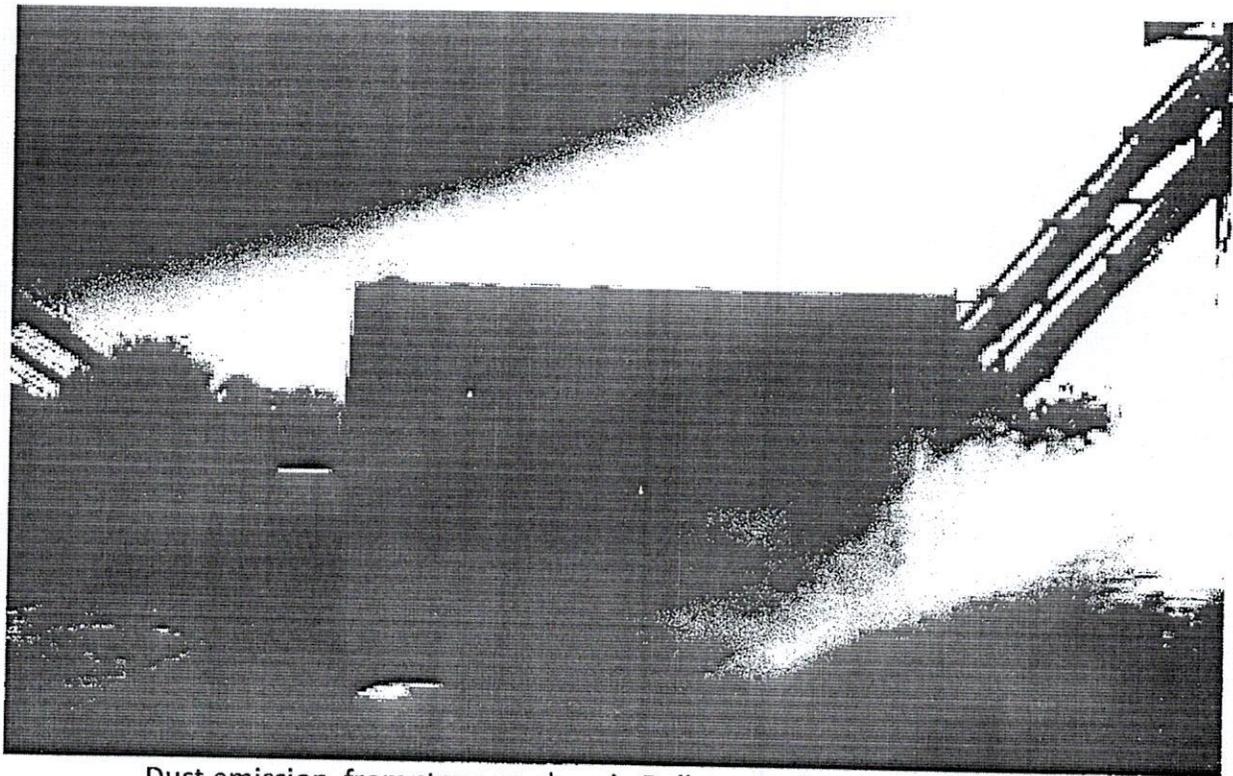
Visible high dust levels due to operation of stone crushers, Dist Sonebhadra, UP (Dala, Singrauli area)



Visible high Dust levels due to operation of stone crushers, Dist. Sonebhadra, UP (Dala, Singrauli area)



Dust emission from stone crushers in Dalla area of Dist Sonebhadra, UP



Dust emission from stone crushers in Dalla area of Dist Sonebhadra, UP



Tanmay Banik <officetanmay1983@gmail.com>

O.A. No. 164 of 2018 titled Ashwani Kumar Dubey Vs. Union of India & Ors.

1 message

Tanmay Banik <officetanmay1983@gmail.com>

Tue, Dec 9, 2025 at 7:40 PM

To: rajat.jariwal@trilegal.com, prerna.singh@trilegal.com, "admin@rsbobde.com" <admin@rsbobde.com>, "bobde.rukhmini@gmail.com" <bobde.rukhmini@gmail.com>, KAUSTUBH ANSHURAJ <kaustubh.anshuraj@gmail.com>, pradeepmisra@yahoo.com, "officeofathakur@gmail.com" <officeofathakur@gmail.com>, advijitroy.aor@gmail.com, mail@aglaw.in, geetika.sharma@aglaw.in, arshit.anand@aglaw.in
Cc: ashwanik.advocate@gmail.com

Respected All,

Greetings!

Please find attached herewith the Rejoinder on behalf of the Applicant to the Reply filed by the Respondent No. 39 in the captioned matter.

Thanks and Regards,

Tanmay

PS to Mr. Ashwani Kumar Dubey (Advocate on Record)

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**Rejoinder Ashwani Kumar Dubey Vs UOI OA No 164 of 2018.pdf**

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