

HON'BLE NATIONAL GREEN TRIBUNAL
WESTERN ZONAL BENCH AT PUNE
ORIGINAL APPLICATION NO. 62 OF 2021

IN THE MATTER OF:

Krishi Vigyan Arogya Sansthan & Ors. ...Applicants

Versus

Maharashtra State Power Generation Company & ors. ...Respondents

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Through



RITWICK DUTTA



RAHUL CHOUDHARY

Counsel for the Applicants
N-73, Lower Ground Floor, Greater Kailash-1,
New Delhi – 110048
Mobile No. 9312407881
Email:- Litigation.life@gmail.com

Place:- Kolkata/Delhi
Dated:- 16.03.2023

HON'BLE NATIONAL GREEN TRIBUNAL
WESTERN ZONAL BENCH AT PUNE
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IN THE MATTER OF:

Krishi Vigyan Arogya Sansthan & Ors. ...Applicants

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REJOINDER TO REPLY OF RESPONDENT NO. 1 DATED 21.07.2022
AND REPLY OF RESPONDENT NO. 4 DATED 09.11.2021

MOST RESPECTFULLY SHOWETH:

1. That the present Original Application has been filed highlighting the non-compliances of conditions of Environmental Clearance dated 04.01.2010 and its Amendment vide letter dated 23.03.2017 by Respondent No. 1 in operating Unit 8, 9 and 10 of the Koradi Thermal Power Station in Nagpur, Maharashtra. These non-compliances relate to shift in location of the project, failure to install Flue Gas Desulphurization, incomplete fly ash utilization, dumping of ash into bunds without LDPE/ HDPE lining, failure to utilize sewage water and failure to develop a green belt as per Environmental Clearance condition.
2. That Respondent No. 1 and Respondent No. 4 have filed their counter affidavit to the Original Application filed by the Applicants. That the contents of the affidavit of Respondent No. 1 and Respondent No. 4 are denied in entirety, unless specifically admitted or are of matter of record.

REJOINDER TO AFFIDAVIT BY RESPONDENT NO. 1 DATED

21.07.2022

3. That the Respondent No. 1 has admitted to the following in its affidavit dated 21.07.2022:
- i. **Shift in location of the project-** That Respondent No. 1 as admitted to the fact that there has been a shift in location of the project and the same has taken place because it is an expansion project.
 - ii. **Failure to install Flue Gas Desulphurization unit-** That the FGD unit has not been installed and LOA has been put up for board approval. Respondent No. 1 has also stated that the due date set by the Ministry of Environment, Forest & Climate Change to achieve installation of FGD of December 2022 cannot be achieved.
 - iii. **Incomplete fly ash utilization-** 100% fly ash utilization has not taken place because various traffic restrictions are imposed on ash vehicle movements, there is absence of major ash-based industries in the vicinity and ash utilization had drastically reduced due to monsoon and corona pandemic.
 - iv. **Dumping of ash into bunds without LDPE/ HDPE lining-** Since the ash bund was already live, lining could not take place simultaneously, however, other precautions have been taken.
 - v. **Failure to utilize sewage water-** 6-8% of total water requirement is in the form of freshwater taken from PENCH dam as per agreement with Water Resources Department and GoM.
 - vi. **Failure to develop a green belt-** 3 tier plantations are not possible at the power plant site as no land was acquired for the activities of the thermal power plant and the available land already had established structures.

4. That at the outset it is submitted that Respondent No. 1 has admitted to non-compliance with the conditions set out in the Environmental Clearance dated 04.01.2010 and Environmental Clearance Amendment vide letter dated 23.03.2017.
5. That the Environmental Clearance dated 04.01.2010 clearly states the following:

*"4. The **Ministry of Environment and Forests reserves the right to revoke the clearance if conditions stipulated are not implemented to the satisfaction of the Ministry.***

...

*6. Concealing factual data or submission of false/fabricated data and **failure to comply with any of the conditions mentioned above may result in withdrawal of this clearance** had attract action under the provisions of Environment (Protection) Act, 1986."*

(Emphasis supplied)

6. That the present Environmental Clearance is liable to be withdrawn as Respondent No. 1 has failed to comply with the conditions mentioned in the Environmental Clearance dated 04.01.2010 as well as the its Amendment vide letter dated 23.03.2017.
7. That Respondent No. 1 has provided justifications in its Affidavit for non-compliance with the conditions laid down in the Environmental Clearance. It is submitted that the compliance with Environmental Clearance conditions is mandatory and any variation in the compliance with conditions has to be approved by the competent authority. Respondent No. 1 may file an Application for Amendment in Environmental Clearance (Form 4) before the competent authority for a change in the Environmental Clearance conditions.
8. That it is also pertinent to note that the Environmental Clearance was granted subject to compliance with the conditions. Therefore, the project

can be put into operation only when the conditions are complied with. Operating the thermal power plant without complying with the Environmental Clearance is in violation of the provisions of the EIA Notification, 2006.

9. That the following paras contain the reply on behalf of the Applicants to the averments raised by Respondent No. 1:

Shift in location of the project

10. That Respondent No. 1 has stated that since it is an expansion project therefore, there has been a shift in the location of the project and the project is based on land which is already in possession of Respondent No. 1.
11. It is submitted that the project has shifted to a location which is 2.3 kilometers away from the original location for which the Environmental Clearance has been granted. *Annexure A-4* annexed with the Original Application shows the shift in location from the original position. The location of the project has shifted from geographical coordinates of Latitude 21° 14' 20" N and Longitude 79° 6' 56" E to coordinates of Latitude 21° 14' 9.096" N and Longitude 79° 05' 37.644" E, for which no Environmental Clearance was obtained.
12. The Environmental Clearance was granted for a different location from where it is currently in operation. That the Environmental Impact studies of the project were conducted for the location for which the Environmental Clearance has been granted and not for the new location.
13. That as per the Technical EIA Guidance Manual for thermal power plants prepared by IL&FS Ecosmart Limited for MoEF&CC mentions the siting guidelines for thermal power plants and the locations that need to be avoided in locating a thermal power plant. It states:

"4.2.4 Siting guidelines

...

Areas preferably be avoided

...

*Major Settlements (3,00,000 population): Distance from settlements is difficult to maintain because of urban sprawl. **At the time of siting of the industry, if the notified limit of any major settlement is located within 50 km, the spatial direction of growth of the settlement for at least a decade must be assessed and the industry shall be sited at least 25 km away from the projected growth boundary of the settlement.***

(Emphasis supplied)

14. That the power plant in the present case is located within a distance of approximately 4-5 kilometres of the city of Nagpur. The location of the project is in violation of the siting criteria given under the Technical EIA Guidance Manual for thermal power plants also.

Failure to install Flue Gas Desulphurization unit

15. That the Environmental Clearance condition to install FGD was a part of the Environmental Clearance dated 04.01.2010. Therefore, FGD had to be mandatorily be complied with. It stated the following:

"4 (i) FGD with one unit of 660 MW will be installed initially to begin with and requirement, if any, for the installation of FGD system with the other two units will depend upon the prevalent ambient levels of SO₂. Provision for installation of FGD in all units shall be made."

16. Respondent No. 1 has averred that with regard to installation of Flue Gas Desulphurization unit, the tenderization process is complete and the LOA is pending for approval. Respondent No. 1 has admitted that the due date set by the MoEF&CC or installation of Flue Gas Desulphurization units in thermal power plants of December 2022 will not be met.

17. That Respondent No. 1 has stated that the time required for installation of wet limestone FGD is about 26 to 30 months and the process got delayed due to the coronavirus pandemic. It is submitted that the Environmental Clearance was granted on 04.01.2010 and its Amendment was granted on 23.03.2017. As per Respondent No. 1's own statement, installation of wet limestone FGD takes about 26 to 30 months. Respondent No. 1 had more than sufficient time to install the FGD unit in the power plant from 2010 (when the Environmental Clearance was granted). However, no concrete steps have been taken in this regard.
18. That Respondent No. 1 has only issued tenders for the installation of FGD unit and no further steps have yet been taken by Respondent No. 1 since the year 2010. It is submitted that the delay in installing the FGD unit is causing increase in pollutants beyond permissible limits.
19. That MoEF&CC has also acknowledged the non-compliance on the part of Respondent No. 1 with regard to installation of FGD. A site visit was conducted by officials of MoEF&CC on 07.12.2021 to the project site to check the status of compliance with the conditions of the Environmental Clearance. With regard to the status of installation of FGD unit, the status as on 07.12.2021 was stated as "Not complied" (Page 12 of the Report).

Copy of the Report of MoEF&CC dated 07.12.2021 is annexed herewith as **ANNEXURE A-1.**
20. That it is also important to note that Respondent No. 4 has stated in its Reply Affidavit dated 09.11.2021 the installation of FGD unit is not complete and under tenderization process. It is also stated that Respondent No. 4 had issued directions to Respondent No. 1 under Section 31A of the Air (Prevention and Control of Pollution) Act, 1981 with certain directions which also included installation of FGD units at the site. Respondent No. 4 has also stated that in a site visit conducted by them, non-compliance with the said condition was found and show cause notice

was also issued to Respondent No. 1 on 02.11.2021. However, despite the same, Respondent No. 1 has not complied with the Environmental Clearance condition.

Incomplete fly ash utilization

21. That Respondent No. 1 has stated that 100% fly ash utilization has not taken place because various traffic restrictions are imposed on ash vehicle movements, there is absence of major ash-based industries in the vicinity and ash utilization had drastically reduced due to monsoon and corona pandemic.
22. That at the outset, it is made clear that the present thermal power plant has been in operation since the last 40 years, and yet has not been able to achieve 100% fly ash utilization. The reasons for non-compliance with 100% fly ash utilization, as given by Respondent No. 1 must have been known at the time when Environmental Clearance for expansion of the unit was granted in 2010. In light of this, no expansion of the plant should have been allowed.
23. That the Environmental Clearance condition clearly stated that 100% utilization of fly ash has to be achieved from the 4th year of operation. It states:

“(viii) Fly ash shall be collected in dry form and storage facility (silos) shall be provided. 100% fly ash utilization shall be ensured from 4th year onwards.”

24. That MoEF&CC Notification S.O. 2804 (E) dated 03.11.2009 amended the provisions of Fly Ash Notification, 1999. Accordingly, it reads the following with regard to the targets of fly ash utilization for new coal and, or lignite based thermal power plants:

<i>Serial Number</i>	<i>Fly ash utilization level</i>	<i>Target date</i>
<i>(1)</i>	<i>(2)</i>	<i>(3)</i>
<i>1.</i>	<i>At least 50% of fly ash generation</i>	<i>One year from the date of commissioning.</i>
<i>2.</i>	<i>At least 70% of fly ash generation</i>	<i>Two years from the date of commissioning.</i>
<i>3.</i>	<i>90% of fly ash generation</i>	<i>Three years from the date of commissioning.</i>
<i>4.</i>	<i>100% of fly ash generation</i>	<i>Four years from the date of commissioning.</i>

25. That as per the data available on the website of Respondent No. 1, quantity of fly ash utilized by the three units from January 2020 to May 2021 varies from 0% to 0.7%. Respondent No. 1 has, by their own admission, stated that they have not achieved 100% fly ash utilization. The same was also mentioned by the Applicants in the Original Application and has not been denied by Respondent No. 1. It is submitted that the three impugned units, Unit 8, Unit 9 and Unit 10 have been operational since 16.12.2015, 22.11.2016 and 17.01.2017 and should have complied with the condition by 2019, 2020 and 2021 respectively. However, no efforts have been made by Respondent No. 1 to attain 100% utilization even though 4 years since operation got over for the three units in 2019 to 2021.
26. That in the site visit report of MoEF&CC dated 07.12.2021 (annexed as **Annexure A-1** with this Rejoinder), it has been stated that taking into account the average fly ash utilization for the month of November- 2021 for the power plant, 100% fly ash utilization has not been achieved. It is stated that *daily* fly ash generation is approximately 7822 MT which may vary depending on coal consumption for a day and coal ash percentage

and the *daily* fly ash utilization is about 7799 MT. Therefore, it is clear that 100% fly ash utilization is not taking place for the unit.

27. That Respondent No. 4 has also stated in its Reply Affidavit dated 09.11.2021 that fly ash utilization for the year 2015-16, 2016-17, 2017-18, 2018-19, 2019-20, 2020-21 is 59.06%, 28.79%, 12.81%, 29.33%, 42.95% and 80.96% respectively. Therefore, it is clear that Respondent No. 1 has not achieved 100% fly ash utilization as required as per Environmental Clearance condition.
28. That it should be made clear that as per Para B (1) of the Fly Ash Utilization Notification, 2021, it is mandatory for thermal power plants to mandatorily provide fly ash to all agencies engaged in construction within 300 kilometers of the thermal power plant. The fly ash needs to be delivered at the project site free of cost and transportation cost is borne by the thermal power plant itself. The provision provides the following:
- “(1) All agencies (Government, Semi-government and Private) engaged in construction activities such as road laying, road and flyover embankments, shoreline protection structures in coastal districts and dams within 300 kms from the lignite or coal based thermal power plants shall mandatorily utilise ash in these activities:*
- Provided that it is delivered at the project site free of cost and transportation cost is borne by such coal or lignite based thermal power plants.”*
29. That therefore, it is incumbent on Respondent No. 1 to ensure that the fly ash is provided to all construction activities within 300 kilometres. In light of this provision, it cannot be claimed by Respondent No. 1 that it is exploring various prospective users of the generated fly ash since the law requires them to provide fly ash to all construction activities within 300 kilometres range.

Dumping of ash into bunds without LDPE/ HDPE lining

30. That Condition No. 4 (ix) of the Environmental Clearance dated 04.01.2010 states that,

"Ash pond shall be lined with HDP/LDP lining or any other suitable impermeable media such that no leachate takes places at any point of time. Adequate safety measures shall also be implemented to protect the ash dyke from getting breached."

31. That Respondent No. 1 has admitted to the fact that no HDPE/LDPE lining work has been undertaken at the project site. It is stated in its Affidavit that since the ash bund was already in operation, therefore, work of HDP/ LDP lining could not be taken up. It is submitted that there are two ash bunds associated with the thermal power plant, namely Koradi and Khasala. The HDPE/ LDPE lining could have been undertaken by diverting the ash flow to the Koradi ash bund. However, the same was not done by Respondent No. 1 and thereby has committed violation of Environmental Clearance condition.
32. It is also stated by Respondent No. 1 that no breach has taken place and other precautionary measures such as stone pitching, construction of waste weirs etc. have been duly undertaken. It is submitted that the Environmental Clearance condition requires the additional safety measures to be undertaken in addition to HDP/ LDP lining. Therefore, stating that additional measures have been undertaken does not exempt Respondent No. 1 from undertaking HDP/ LDP lining as well.
33. That additionally, the statement by Respondent No. 1 that "*no incidents of breaching of bund or overflow of ash water over bund are observed*" is faulty and misleading as a few days before the filing of the Reply Affidavit of Respondent No. 1, the Khasala fly ash bund of Koradi Thermal Power Station breached on 16.07.2022, flooding three villages and the nearby

Kanhan River with toxic fly-ash slurry. The same was also recorded in an article titled, "*Koradi Thermal Power Station plant's ash bund falls, toxic slurry in farms and houses*" published in The Times of India on 17.07.2022 where it noted that:

"In an accident that villagers claimed has not happened for the first time, the Khasala fly ash bund of Koradi Thermal Power Station breached on Saturday, flooding three villages with toxic fly-ash slurry. From farmlands to houses to natural nullahs and even Kanhan, which provides drinking water to Nagpur city, and Kolar rivers, the slurry reached everywhere thus leading to massive damage and contamination."

Copy of the article titled, "*Koradi Thermal Power Station plant's ash bund falls, toxic slurry in farms and houses*" published in The Times of India on 17.07.2022 is annexed herewith as **ANNEXURE A-2**.

34. That in light of the same, Respondent No. 4 had also issued show-cause notices dated 19.07.2022 and 04.08.2022 to Respondent No. 1, however, no further action was taken on the same.

Copy of the show cause notices dated 18.07.2022 and 04.08.2022 issued by Respondent No. 4 are annexed herewith as **ANNEXURE A-3 (COLLY)**.

35. That it is stated by Respondent No. 1 that an application for amendment of the said Environmental Clearance condition has also been submitted to MoEF&CC. It is submitted that even if an application for amendment of Environmental Clearance condition was submitted, it has not been stated if the same has been approved. Therefore, until the amendment is approved, the Environmental Clearance condition will have to be complied with by Respondent No. 1. It is also pertinent to mention that the Environmental Clearance was granted in 2010 and Respondent No. 1 was in violation of

the condition for 12 years, before an amendment application was moved in 2022.

36. That the Environmental Clearance on HDP/ LDP lining is based on the precautionary principle and requires the project proponent to undertake certain measures to ensure that no leachate takes place. Therefore, HDP/ LDP lining is a mandatory requirement, not only in terms of the Environmental Clearance condition but also in terms of the precautionary principle. In the case of ***South Gujarat Textile Processors Associations v. Union of India and Others 2022 SCC OnLine NGT 194***, the Hon'ble Tribunal has observed that when a project is likely to impact the environment, lack of scientific certainty should not be used as a reason for postponing measures to prevent environmental depredation:

*"181. Precautionary principle, in the context of municipal laws means (i). **Environmental measures, required to be taken by State Government and Statutory Authorities, and they must anticipate, prevent and attack the causes of environmental degradation;** (ii) **Where there are threats of serious and irreversible damage, lack of scientific certainty should not be used as a reason for postponing measures to prevent environmental depredation;** (iii) *The onus of proof is on the actor or the developer/industry, to show that his action is environmentally benign.*"*

(Emphasis supplied)

37. That it is also pertinent to mention that the Report dated 07.12.2021 of MoEF&CC which was prepared after a site visit states that,

"PP has increased the ash bund height from 305.2 ML to 312.0 ML without amendment in EC, which construe violation". (Page 4)

38. That the same Report also states that proper precautionary measures are not in place at the ash bund and *"on the ash bund area some cattle/cows*

were observed roaming on dry area of bund. Proper security was not observed. It is suggested to increase the patrolling at ash bund area". (Page 4). Therefore, the averment by Respondent No. 1 that all precautionary measures are in place is misleading.

39. That a perusal of the Reply Affidavit dated 09.11.2021 of Respondent No. 4 also shows that in a site visit conducted by the officials of Respondent No. 4, non-compliance with the condition regarding LDP/HDP lining was found and show cause notice was also issued to Respondent No. 1 on 02.11.2021. However, despite the same, Respondent No. 1 has not complied with the Environmental Clearance condition.

Failure to utilize sewage water

40. That Respondent No. 1 has stated that sewage water from Bhandewadi STP is being used for the project and the said STP is being operated and maintained is being carried out by Respondent No. 1.
41. That the Environmental Clearance condition stated that,
- "Additional fresh water will be required for this proposed expansion project will be met from the sewage collected by Nagpur Municipal Corporation after treatment. MoU with Nagpur Municipal Corporation is in place. No additional fresh water will be drawn, since only the allotted water from Pench River (through a canal) will be utilized."*
42. That as submitted by the Applicant in the Original Application, Respondent No. 1 has constructed a weir over Nag River and the river water is pumped to Bhandewadi STP and then to Koradi Power Plant. Therefore, all of its water requirement is being met through fresh water of Nag River and not through the sewage water from the Nagpur Municipal Corporation.
43. That Respondent No. 4 has also stated in its Reply Affidavit dated 09.11.2021 that the source of water for the expansion unit is supply from Pench project.

Failure to develop a green belt in compliance with Environmental Clearance condition

44. That Respondent No. 1 has admitted to the non-compliance with the Environmental Clearance condition of developing a green belt. Respondent No. 1 has averred that 3 tier plantations are not possible at the power plant site as no land was acquired for the activities of the thermal power plant and the available land already had established structures.
45. That Respondent No. 1 has provided details about the plantations undertaken by it. It is submitted that providing information on the number of trees planted and the percentage of the area under forest cover by Respondent No. 1 is not sufficient as the Environmental Clearance condition specifically provided for 3-tier plantation to take place.
46. That it is made clear that any variance in compliance with the Environmental Clearance condition cannot be met with its non-compliance. If the project proponent cannot comply with an Environmental Clearance condition, it will lead to withdrawal of the Environmental Clearance, unless the competent authority grants an amendment to the Environmental Clearance. Therefore, the averment by Respondent No. 1 that it is not feasible to undertake 3 tier plantations cannot stand.
47. That the MoEF&CC Report has also specifically noted in its Report dated 07.12.2021 the non-compliance on behalf of Respondent No. 1 with regard to plantation for green belts in the following manner:

"Thick Green Belt of Indigenous species around the Ash Dump, Pond No. 3, VIP Guest House and around the plant premises has not been observed." (Page 7)

On whether a substantial question relating to environment has arisen

48. That Respondent No. 1 has contended that violation of the conditions of the Environmental Clearance is not a substantial question relating to environment.

49. It is submitted that violation of the conditions of Environmental Clearance which has been issued under the EIA Notification, 2006 (issued under Rule 5(3) of the Environment (Protection) Rules, 1986) is a substantial question relating to the environment arising from the applicability of Environment (Protection) Act, 1986.
50. That the Environment (Protection) Act, 1986 is listed in Schedule I of the National Green Tribunal Act, 2010 and National Green Tribunal has jurisdiction over the issues arising within the domain of the Environment (Protection) Act, 1986.
51. That in the case of ***J. Mehta v. Union of India (Original Application NO. 88 of 2013)***, it was held by this Hon'ble Tribunal that violation of conditions of Environmental Clearance is a substantial question relating to environment and comes under the jurisdiction of the Hon'ble Tribunal. It had held:

"43...The EC was granted under the provisions of the environment act and the Notification of 2006. Violation thereof would be a dispute relating to environmental issues in terms of Schedule I to the NGT Act. This is definitely an application raising a substantial question relating to environment and the enactments specified in Schedule I to the National Green Tribunal Act. Resultantly, we reject the contention raised on behalf of Respondent No. 1 and hold that the Tribunal has jurisdiction to entertain and decide the issues raised in this application."

(Emphasis supplied)

52. That therefore, violation of Environmental Clearance conditions falls under the expression 'substantial question relating to environment' and therefore the Hon'ble Tribunal can exercise its jurisdiction.

On the question of the Original Application being barred by limitation

53. That the present Original Application has been filed under Section 14 and 15 read with Section 20 of National Green Tribunal Act, 2010 seeking compliance with the Environmental Clearance conditions as per the provisions of the EIA Notification, 2006. It is submitted that every day the statutory norms and Orders of the Hon'ble Tribunal are not complied with, a fresh cause of action is created in light of the Order of this Hon'ble Tribunal dated 07.05.2015 in OA No. 222 of 2014 (Forward Foundation & Ors. v. State of Karnataka & Ors.) and the same constitutes a continuing cause of action. Thus, this Original Application is filed well within the period of limitation as prescribed under the National Green Tribunal Act, 2010.

REJOINDER TO REPLY AFFIDAVIT DATED 09.11.2021 AND ADDITIONAL AFFIDAVIT DATED 10.02.2022 BY MAHARASHTRA POLLUTION CONTROL BOARD (RESPONDENT NO. 4)

54. That Respondent No. 4 has supported the stand taken by the Applicants by stating the following facts in its Reply Affidavit dated 09.11.2021:
- i. That Respondent No. 4 had issued directions vide letter dated 19.06.2021 to Respondent No. 1 under Section 31A of the Air (Prevention and Control of Pollution) Act, 1981 with certain directions including installation of FGD unit, time bound utilization of legacy pond ash etc. (Para 4 of Affidavit dated 09.11.2021).
 - ii. That Respondent No. 4 had issued directions vide letter dated 29.07.2021 under provisions of Water (Prevention and Control of Pollution) Act, 1974 for compliance with specific water consumption

standards laid down by MoEF&CC. (Para 5 of Affidavit dated 09.11.2021).

- iii. That during a site visit conducted by the officials of Respondent No. 4 for checking the compliances of Consent conditions as well as Environmental Clearance conditions, multiple non-compliances such as non-installation of FGD unit, no provision of HDPE/ LDPE lining etc. were noticed. In light of the said site visit, show cause notice was issued to Respondent No. 1 on 02.11.2021 by Respondent No. 4. (Para 6 of Affidavit dated 09.11.2021).
 - iv. That fly ash utilization for the year 2015-16, 2016-17, 2017-18, 2018-19, 2019-20, 2020-21 is 59.06%, 28.79%, 12.81%, 29.33%, 42.95% and 80.96% respectively. Therefore, Respondent No. 1 has not achieved 100% fly ash utilization as required as per Environmental Clearance condition. (Para 10 of Affidavit dated 09.11.2021).
 - v. That source of water for the expansion unit is supply from Pench project. (Para 11 of Affidavit dated 09.11.2021).
 - vi. That FGD unit has still not been installed and is still under tenderization process. (Para 16 of Affidavit dated 09.11.2021).
55. That Respondent No. 4 has supported the stand taken by the Applicants by stating the following fact in its Additional Affidavit dated 10.02.2022:
- i. That Respondent No. 4 had issued directions to Respondent No. 1 dated 19.06.2019 for non-submission of time bound programme for utilization/ disposal of legacy pond ash and for not utilizing 100% fly ash.
56. That despite the fact that Respondent No. 4 issued several notices to Respondent No. 1 for non-compliance with the Environmental Clearance conditions, no action has been taken by Respondent No. 4 against

Respondent No. 1. The violations of Environmental Clearance conditions is still continuing, however, Respondent No. 4 has failed to take any action in this regard. This fact was also noted by this Hon'ble Tribunal in its order dated 15.12.2021 wherein it had observed that Respondent No. 4 failed to take action even though show cause notices have been issued by them. It noted:

"6. It is very pertinent to point at this juncture that this Tribunal had come across in very many cases in which the statutory authority namely the Maharashtra Pollution Control Board, for the reasons best known to them, is not taking necessary and appropriate action against the State Govt. entities against whom, allegations were levelled for violating the environmental norms and the present case is also a one such case. As rightly pointed out by the learned Counsel appearing for the Original Applicant, the 4th Respondent in paragraph No.4, made an averment as to the issuance of Notice dated 19.06.2019 under Section 31A of the Air (Prevention and Control of Pollution) Act, 1981 to the 1st Respondent and however, it is silent as to the further action taken in pursuant to the said Notice. The Tribunal is totally dissatisfied as to the said lackadaisical attitude exhibited by the 4th Respondent."

57. It is submitted that in the interest of justice, the Hon'ble Tribunal may be pleased to allow the present Original Application as Respondent No. 1 is in non-compliance with the conditions of the Environmental Clearance and poses a severe threat to the environment.

58) Pass any other order as this Hon'ble Tribunal may deem fit in the facts and circumstances of the present case.



APPLICANT NO. 2

THROUGH



RITWICK DUTTA



**RAHUL CHOUDHARY
ADVOCATES**

COUNSELS FOR THE APPLICANTS
N-73, LGF, Greater Kailash - 1,
New Delhi - 110048
Mobile: +91 9312407881
Email: litigation.life@gmail.com

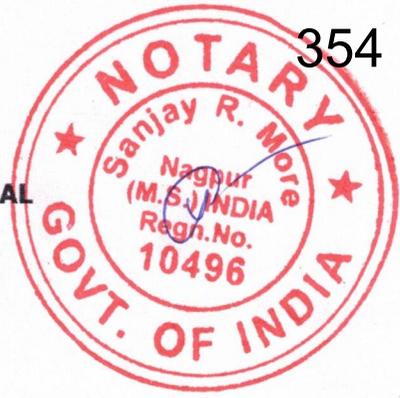
VERIFICATION

Verified by Pratap Goswami, authorised representative of Applicant No. 2, R/o 22, Ambazari Layout, Nagpur- 440033, do hereby verify that the contents of Paragraphs 1 to 58 are true to my personal knowledge and nothing material has been concealed therefrom.



APPLICANT NO. 2

NOTARIAL REG. 10496
ENTRY NO. 263
DATE 25/2/2023



BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH AT PUNE

ORIGINAL APPLICATION NO. 62 OF 2021

IN THE MATTER OF:

KRISHI VIGYAN AROGYA SANSTHAN & ANR. ...APPLICANTS

VERSUS

MAHARASHTRA STATE POWER GENERATION COMPANY & ORS.
...RESPONDENTS

AFFIDAVIT

I, Pratap Goswami, authorised representative of Applicant No. 2, R/o 22, Ambazari Layout, Nagpur- 440033 do hereby solemnly affirm and declare as under:

1. That I am the authorised representative of Applicant No. 2 in the above titled Application, and hence well conversant with the facts and circumstances described in the present case and as such, I am competent to swear this Affidavit.
2. That the contents of the accompanying Rejoinder are true and correct and nothing material has been concealed therefrom.

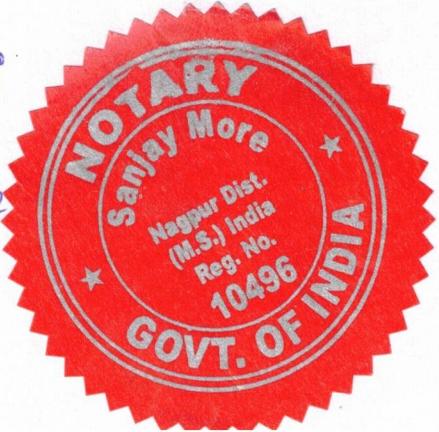
[Signature]
DEPONENT

VERIFICATION

Verified on this ____ day of _____ 2023 that the contents of the present Affidavit are true and correct to my knowledge and belief and nothing material is concealed therefrom.

Sworn / Solemnly Affirmed
by Pratap Goswami
Who is personally known to
me identified by S.R. More
before me on this 20/23
day of on 25/2/23 at Nagpur.

Adv. Sanjay R. More
Notary And Advocate



[Signature]
DEPONENT

Adv. Sanjay R. More
Notary And Advocate




 भारत सरकार
 Government of India


 प्रताप शंभू गोस्वामी
 Pratap Shambhoo Goswami
 जन्म तिथि/DOB: 25/12/1964
 पुरुष/ MALE



9216 3564 9563
 मेरा आधार, मेरी पहचान

Pratap Shambhoo Goswami


 भारतीय विशिष्ट पहचान प्राधिकरण
 Unique Identification Authority of India

पता:
 हाउस नं 1977/22, धरमपेठ सायंस कॉलेज के पास,
 वर्मा लेआउट, शंकर नगर, नागपुर,
 महाराष्ट्र - 440010

Address:
 house no 1977/22, near dharmpeeth sci
 college, verma layout, Shankar Nagar,
 Nagpur,
 Maharashtra - 440010



9216 3564 9563





help@uidai.gov.in
www.uidai.gov.in





भारत सरकार
GOVERNMENT OF INDIA
 पर्यावरण, वन एवं जल वायु परिवर्तन मंत्रालय
**MINISTRY OF ENVIRONMENT, FOREST &
 CLIMATE CHANGE**

Integrated Regional Office
 Ground Floor, East Wing
 New Secretariat Building
 Civil Lines, Nagpur –
 440001
 apccfcentral-ngp-
 mef@gov.in

F. No. 4-4/2010(ENV)/9076

Dated: 29th December, 2021

To,

The Scientist 'E' IA Division (Thermal),
 Ministry of Environment, Forest & Climate Change,
 Room No. 236, 2nd Floor Vayu Wing,
 Indira Paryavaran Bhawan,
 Jorbagh Road, New Delhi-110003
 (Email: yogendra78@nic.in)

(Kind attention: Shri Yogendra Pal Singh, Scientist E)

Sub: A report on the Status of Compliances of various conditions stipulated in Environment Clearance granted by MOEF&CC vide letter No. J-13012/87/2007-IA-II(T) dated 04.01.2010 and its subsequent amendments dated 23.03.2017 & 29.05.2018 for 3x660 MW expansion of Coal Based Power Unit M/s Maharashtra State Power Generation Company Limited (MSPGCL) located at Koradi District Nagpur (Maharashtra) - reg.

Ref: i) MoEF&CC letter no. A-L-11011/112/2021-IA-I [E-168395]

ii) Project Proponent vide their letter No. CE(O&M)/KTPS/660MW/CD/Env. Cell/FL-23 No. 03462 dated 06.12.2021

iii) PP vide letter No. CE (O&M)/KTPS/660MW/CD/Env. Cell/FL-03671 dated 23.12.2021

Sir,

I am directed to refer to the above subject and letters under reference wherein, MOEF&CC requested to furnish Certified Compliance Report w.r.t. Environment Clearance granted by MOEF&CC vide letter No. J-13012/87/2007-IA-II(T) dated 04.01.2010 and its subsequent amendments dated 23.03.2017 & 29.05.2018 for 3x660 MW expansion of Coal Based Power Unit of M/s Maharashtra State Power Generation Company Limited (MSPGCL) located at Koradi District Nagpur (Maharashtra)

2. In view of the same, it is to inform that a site visit for the monitoring of compliance of conditions stipulated in the environment clearances has been conducted by Scientist-E of the Integrated Regional Office, Nagpur on 07.12.2021. As per the documents submitted by the project proponent during the monitoring, and also as informed/observed during the site visit, the details are reported to be as under:

Unit No.	Capacity (MW)	Commercial Operation Dates	Current Status
Koradi Unit 1	120 (de-rated to 105)	03 June 1974	Decommissioned on 08.01.2011
Koradi Unit 2	120 (de-rated to 105)	24 March 1975	
Koradi Unit 3	120 (de-rated to 105)	03 March 1976	
Koradi Unit 4	120 (de-rated to 105)	22 July 1976	
Koradi Unit 5	210	15 July 1978	De-commissioned from 15.03.2017
Koradi Unit 6	210	30 March 1982	R&M completed in 2018 & in service
Koradi Unit 7	210	13 January 1983	De-commissioned from 03.08.2021
Koradi Unit 8	660	16 Dec, 2015	In service
Koradi Unit 9	660	22 Nov, 2016	In service
Koradi Unit 10	660	17 Jan, 2017	In service

- i. MOEF&CC vide letter No. J-13012/87/2007-IA-II(T) dated 04.01.2010 granted Environmental Clearance for 3 x 660 MW expansion of Coal Based Power Unit M/s Maharashtra State Power Generation Company Limited (MAHAGENCO) (Formerly known as MSEB) located at Koradi District Nagpur (Maharashtra) **(Annexure-A)**
- ii. MOEF&CC vide letter No. J-13012/87/2007-IA-II(T) dated 27.03.2015 granted extension of validity of Environmental Clearance for 3 x 660 MW expansion of Coal Based Power Unit M/s MAHAGENCO (Formerly known as MSEB) located at Koradi District Nagpur (Maharashtra) **(Annexure-B)**
- iii. Amendment in EC has been obtained from MOEF&CC vide letter No. J-13012/87/2007-IA-II(T) dated 23.03.2017 for 3 x 660 MW expansion of Coal Based Power Unit M/s MAHAGENCO (Formerly known as MSEB) located at Koradi District Nagpur (Maharashtra) **(Annexure-C)**

- iv. Further, Amendment in EC has been obtained from MOEF&CC vide letter No. J-13012/87/2007-IA-II(T) dated 29.05.2018 for 3 x 660 MW expansion of Coal Based Power Unit M/s MAHAGENCO (Formerly known as MSEB) located at Koradi District Nagpur (Maharashtra) **(Annexure-D)**
- v. Consent to Establish for Coal Based Thermal Power Plant for 3 x 660 MW was obtained vide letter No. BO/RO(P&P)/EIC No. NG-1855-09/E/CC-41 dated 29.01.2010 **(Annexure-E)**
- vi. The first amalgamated Consent to Operate for 3X660 MW Koradi TPP from MPCB had been obtained vide letter No. Format1.0/CAC/UAN No. 0000030152/CAC-1906000774 dated 17.06.2019 **(Annexure-F)**.
- vii. Renewal of Consent to Operate for Coal Based Thermal Power Plant for 3 x 660 MW was obtained vide letter No. Format 1.0/CAC/UAN No. 0000076926/CR-2007000590 dated 08.07.2020. Which is valid upto 31.08.2021 **(Annexure-G)**
- viii. Undertaking has been submitted stating that "No legal cases with respect to Environment Clearance except ongoing petition no. 62/2021 at NGT (WB) are pending in any court of law till date". "No closure/ show-cause notice is issued to the project by CPCB. One show-cause notice was issued by MPCB. **(Annexure-H)**.
- ix. Agreement for Construction and operating on treatment and transmission facilities for reclaimed water usage between Nagpur Municipal Corporation and Maharashtra Power Generation Company Limited for it TPS Koradi and Khaparkheda was made on 04.10.2008. Copy of agreement with NMC for 130MLD Bhandewadi STP is enclosed as **(Annexure-I)**.
- x. First Amendment to the agreement was made on 09.10.2018 between Maharashtra Power Generation Company Limited, Nagpur Municipal Corporation and Nagpur Waste Water Management Private Limited for lifting tertiary treated water from 190 MLD Bhandewadi STP, copy of tri party agreement is enclosed as **(Annexure-J)**.
- xi. A certificate from NEERI has been submitted stating that 20,000 Bamboo plant has been planted at Koradi and Surrounding villages outside the MAHAGENCO premises. **(Annexure-K)**
- xii. Monitoring reports for Stack, Ambient Air Quality, Effluent and ground water quality for FY: 2020-21 Koradi TPS, 3X660 MW are enclosed as **(Annexure-L)**.
- xiii. Expenditure made on environment protection measures is enclosed as **(Annexure-M)**.

- xiv. PP has increased the ash bund height from 305.2 ML to 312.0 ML without amendment in EC, **which construe violation**. PP informed that they have obtained approval from Central Design Organization (CDO), Nashik for same. Copy of approval from CDO Nasik is enclosed as **Annexure-9 (a)**.
- xv. Tertiary treated water reservoir at plant end was visited, one of the pump was having gland leakage and house-keeping found poor. It is suggested to attend the leakage on priority and maintained the house-keeping. The premises of the AAQM Station at Dilmia Pump House was not maintained w.r.t. housekeeping.
- xvi. On the ash bund area some cattle/cows were observed roaming on dry area of bund. Proper security was not observed. It is suggested to increase the patrolling at ash bund area.
- xvii. Thick Plantation with indigenous species around ash bund area, around pond no. 3 and in the periphery of the plant boundary is required. Green belt around the plant needs technical evidence. Bamboo plantation is not proper selection. Project proponent advised to take technical guidance from any research institute for development of Green belt around the plant and also suggested to develop plantation around ash pond, pond no. 3 with incorporating species diversity.
- xviii. PP do not have their own Plant Nursery. It is advice to develop plant nursery inside the plant premises.
- xix. Pond No. 3 which is a Raw water intake pond located across the National Highway 69 was observed with weed & siltation. It is advised to do the desilting, de-weeding of pond and fencing around the pond no. 3 (complete area) for restricting the entry of unauthorized person/safety.
- xx. Ash was found on both the side of road heading towards ash bund area near **underground railway bridge**.

3. Further additional information sought by IRO to which PP replied as under;

Query raised by IRO	Reply from PP
<p>Point No. 1</p> <p>As on date total quantity of fly ash available within the plant premises.</p>	<p>Unutilized fly ash from silo and bottom ash is being mixed with water and transferred to ash bund in slurry form. Koradi TPS, 3X660 MW is using Khasara bund for disposal, ash available in the pond is 1,72,73,126 MT, while Koradi TPS, 210MW is using Koradi Ash bund for ash disposal and available ash in the pond is 1,46,00,492 MT as on 30.11.2021.</p>

<p>Point No. ii</p> <p>Action plan for future to lay HDPE lining in ash bund used for 660 MW.</p>	<p>Khasara Ash bund which is in use for Koradi TPS, 3X660 MW is live so the work of HDPE/ LDPE lining cannot be taken up in hand, however, all precautionary measures are taken and no breaching of bund happened or overflow of ash water over bund. Three drain wells are maintained inside the bund and water is recovered through waste weir. As a precautionary measure bund height is increased from 305.2 ML to 312.0 ML.</p>
<p>Point No. iii</p> <p>Quantity of fly ash lifted for construction of Roads and Metro pillar work.</p>	<p>Quantity of fly ash lifted for road construction from Koradi TPS, 3X660 MW is 4,38,476 MT for FY: 2020-21 and 3,92,443 MT for FY: 2021-22 up-to Nov-21.</p>
<p>Point No. iv</p> <p>Method of treatment of waste water coming out from ash bund area.</p>	<p>Effluent from ash bund is collected in a settling tank available at Khasara Ash Water Recovery (Khasara AWR) pump house from where it is lifted to Central Monitoring Basin (CMB) of Effluent Treatment Plant at Koradi TPS, 3X660 MW. From CMB, effluent is transferred to clarifier, followed by chemical treatment at stealing chamber and lastly to clear water sump. Chemical treatment involves dosing of alum/ lime depending upon nature of effluent. However, recently a new line from Khasara bund to TPS is laid and directly in use for Ash handling.</p>
<p>Point No. v</p> <p>On daily basis how much fly ash being generated and utilized.</p>	<p>Daily fly ash generation at Koradi TPS for both 3X660 MW and 210 MW is approximately 7822 MT which may vary depending on coal consumption for a day and coal ash percentage. Daily fly ash utilization of Koradi TPS 3X660 MW and 210 MW is about 7799 MT. It is to inform that daily fly ash utilization may vary as per requirement and demand of agencies. Above figures are average for the month of Nov.-2021.</p>

4. **Three** of the EC conditions stipulated in EC dated 04.01.2010 is observed to be **not complied** by the PP:

EC dated 04.01.2010:

Condition No. i: At present, tender initiated for installation of wet limestone FGD and published on 04.11.2020, tenderization process is completed, LoA is for board approval. However, minimum time required for installation of Wet Limestone FGD shall be about 26 to 30 months. Considering present status & Lockdown situation due date Dec. 2022 (As per MoEF& CC Notification Dtd. 31.03.2021) is not achievable. Schedule date of completion - August 2023, delay of around 8 months is expected, considering the pandemic situation. Detailed chronology of FGD tenderization is enclosed as **Annexure-1 (b)**.

Condition No. xvii: The piezo wells shall be installed in periphery of ash ponds as per the norms of monitoring the ground water quality. Proposal for installation of piezo wells at Koradi & Khasara ash bund is under process at Head office. Copy of same is enclosed as **Annexure-17 (a)**. Work will be completed by Dec-22.

Condition No. xxvi: PP informed that they have advertised environmental clearance letter in newspaper. However, unable to submit copy of the new paper cuttings.

5. **Twelve** of the conditions is observed to be **partially complied** by the PP:

EC dated 04.01.2010:

Condition No. vii: DPR is in process for bulk transportation of fly ash by railway & erection of platform along the railway track for loading of fly ash by loaders in open wagons.

Condition No. viii: Provision of three Remote silo is under construction and shall be made available by Feb-22.

Condition No. ix: PP mentioned that since the Khasara ash bund is five, the work of HDPE/ LDPE lining could not be taken up.

Condition No. xii: Commissioning of 2 Nos. of recovery lines from Khasara AWR to AHP of KTPS, 3X660 MW was proposed. Out of two lines, one line is commissioned and Second line will have commissioned by April-2022.

Condition No. xiv: Rain water harvesting at 3 locations has been finalized. Panjara side tank work is completed. The bore holes at Y-point (near Koradi Training Center) & behind Tertiary Treated Water Reservoir (TTWR) are completed. The setting tank, drains & filter media work is in progress. Work will be completed by July-22.

Condition No. xviii: Thick Green Belt of Indigenous species around the Ash Dump, Pond No. 3, VIP Guest House and around the plant premises has not been observed.

Condition No. xxxii: Connectivity of three CAAQMS stations with SPCB server is established and registration for connectivity with CPCB server is also completed. **Station has been processed and integration with CPCB is under process.**

EC dated 27.03.2015:

Condition No. xxxvii: The DPR for supply, installation & commissioning of solar roof top panel in the premises of 210 M Koradi Thermal Power Station and KTPS colony & Urja-bhavan building is submitted to H.O. DPR copy is given to MEDA on dated 08.11.2019 for approval. Approval awaited.

Condition No. xli: Thick Green Belt of Indigenous species around the Ash Dump, Pond No. 3, VIP Guest House and around the plant premises has not been observed.

EC dated 23.03.2017:

Condition No. iv: Compliance reports has not been uploaded on company's website.

EC dated 29.05.2018:

Condition No. (i) : Work for transportation of coal by closed pipe conveyor for a length of 16.1 km and with a capacity of 7.35 MTPA from Gondegaon and Bhanegaon mines to Koradi Thermal Power Plant via Khaperkheda Thermal Power Plant has been started as per EC amendment dtd. 29.05.2018. Consent to establish is received from MPCB for closed pipe conveyor system. 75% work completed and balance work is in progress will be completed by July-22.

Condition No. (ii): Dust Suppression system is incorporated in design of Coal pipe conveyor system. Work of dust suppression system is in progress will be completed by July-22.

This issues with the approval of the Regional Officer, Integrated Regional Office, MoEF&CC, Nagpur

Encl: as above

Yours faithfully,


(Dr. P.R. Sakhare)

Scientist 'E'/Additional Director

Copy to:

- (i) Director RO HQ, MOEF&CC, IPB, 1st Floor Agni Wing, IPB, Jorbagh Road, ND-03. (Email: manoj.moefcc@gmail.com)
- (ii) Director (Monitoring Cell), Ministry of Environment, Forest & Climate Change, Indira Paryavaran Bhawan, Aliganj, Jorbagh Road, New Delhi-110003 (Email: shruti.rai@nic.in)
- (iii) The Principal Secretary & The Member Secretary, SEIAA, Environment Department, Government of Maharashtra Room No., 217, 2nd Floor, Mantralaya, Annex, Mumbai - 400 032 (Maharashtra) (Email: psec.env@maharashtra.gov.in)
- (iv) Shri R S Bora, Under Secretary, (IA-I Division), Ministry of Environment, Forest & Climate Change, Indira Paryavaran Bhawan, Jorbagh Road, New Delhi-110003 (Email: rs.bora@nic.in)
- (v) Shri P R Khandare, Chief Engineer (O&M), T.P.S., Koradi, Nagpur, (Maharashtra)-441111 (Email: cegenkoradi@mahagenco.in; cgmkrdproj@mahagenco.in) - with a request to submit time bound action plan to be taken for non/partially compliances mentioned in the report.
- (vi) Guard File.


(Dr. P.R. Sakhare)
29/12/2021

Scientist 'E'/Additional Director

Koradi Thermal Power Station plant's ash bund falls, toxic slurry in farms and houses

TOI timesofindia.indiatimes.com/city/nagpur/koradi-plants-ash-bund-falls-toxic-slurry-in-farms-and-houses/articleshow/92926900.cms

Manka Behl / TNN / Updated: Jul 17, 2022, 09:03 IST

This story is from July 17, 2022

The toxic slurry submerged Kalamna-Godhni railway track

NAGPUR: In an accident that villagers claimed has not happened for the first time, the Khasala fly ash bund of Koradi Thermal Power Station breached on Saturday, flooding three villages with toxic fly-ash slurry. From farmlands to houses to natural nullahs and even Kanhan, which provides drinking water to Nagpur city, and Kolar rivers, the slurry reached everywhere thus leading to massive damage and contamination.

Concerned villagers at their submerged fields

According to residents of affected villages, the embankment wall of the bund collapsed around noon, immediately after which fly-ash slurry started heavily flowing out, submerging nearby villages. The most affected ones were Kawtha, Khairi and Mhasala. Koradi Thermal Power Plant is located in the outskirts of the city.

The slurry destroyed several agricultural fields, entered houses and submerged Kalamna-Godhni track which is used for goods trains. The most threatening damage, however, was it entering into drinking water wells and natural water sources.

"Khairi was the closest to the bund and thus the most affected. At other nearby villages too, the harmful water containing ash got mixed with main drinking water sources. We are worried about our health," said a villager of Mhasala.

Leena Buddhe, director of NGO Centre for Sustainable Development (CFSD) which works in the area, said that approach roads to the three villages were completely flooded. "The bund had about 2.47 crore metric tonnes of ash slurry. Imagine the damage that it has done. Koradi plant authorities have been mindlessly dumping ash and the bund was overflowing," she said.

Villagers told TOI that a similar but less severe accident had happened last year. "The bund had breached but we had managed to control the flow of fly-ash slurry. Since then, we filed repeated complaints with Mahagenco but they turned a deaf ear. This mishap was bound to happen," said villagers of Khairi.

They further informed that the work of increasing the height of the embankment wall was going on which could not be completed before monsoon. "We have been hearing rumours that the contractor and plant officials were hand in gloves and the materials that were being used were of poor quality. They have been playing with our lives. This is criminal," the villagers added.

Citing the rules of Union environment ministry, Buddhe questioned the need of having a bund in the first place. "Power plants have to ensure 100% utilization of ash. Instead, Koradi has been dumping it since ages. Strict action should be taken," she said.

In its statement, Mahagenco attributed the accident to heavy rainfall due to which the level of slurry in the bund had increased. "The officials thus started releasing the water from the bund. However around 12 pm, the flow of water increased following which nearby villages were alerted and all efforts were taken to control the situation," it stated. On Saturday evening, former state energy minister Chandrashekhar Bawankule inspected the site along with district collector R Vimala and AM Kare, regional officer of the Maharashtra Pollution Control Board (MPCB).

After taking stock of the situation, the board's team collected samples of the slurry from different locations. "The Khasala ash bund was spread over an area of 314 hectares and about 25 meter embankment wall of ash bund was totally washed away. The slurry caused submergence of area of adjoining eight villages and then virtually meeting to Kanhan river," stated Kare.

Kare has called for an urgent meeting of officials from Mahagenco, collectorate, Nagpur Municipal Corporation (NMC), tehsildars, sarpanchs and CFSD on Sunday afternoon to discuss the issue.

"We have previously too taken frequent actions against Koradi plant and also forfeited its bank guarantee. After the meeting, we will send the proposal for action to our head office in Mumbai," Kare told TOI.

Apart from the villages, the slurry entered many areas in the city too. Former Congress corporator Manoj Sangole, who visited Uppalwadi, said many fringe areas in North Nagpur were submerged in the flood. DCP (traffic) Sarang Awad, who is also holding the charge of Zone-V, too visited the affected areas to ensure no loss of life.

Start a Conversation

MAHARASHTRA POLLUTION CONTROL BOARD

Regional Office, Nagpur

Website : mpcb.mah.nic.in
 E-Mail : ronagpur@mpcb.gov.in
 Fax : 2560851
 Phone : 2565308, 2560139



Regional Office,
 5th Floor, Udyog Bhawan,
 Civil Lines,
 Nagpur.-440 001.

No. MPCB/PD/ 2207180002

Date:-18/07/2022

To,
M/s Koradi Thermal Power Station, MSPGCL,
(Unit 8, 9 and 10 X 660 MW), At -Koradi,
Tal-Kamptee, Dist-Nagpur.

Sub : Proposed Directions under Section 33(A) of the Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981.

- Ref :**
1. The Board Consent Valid up to 31/08/2021 applied for renewal.
 2. The Board official Visit to Industry on 16/07/2022 & 17/07/2022.
 3. SRO Nagpur-I forwarded legal action report through online module on 17/07/2022.
 4. Approval received from HQ on 18/07/2022.

WHEREAS, you are operating your industry in Water Pollution Control area and Air Pollution Control Area declared under the provisions of Water (Prevention & Control of Pollution) Act, 1974 and Air (Prevention & Control of Pollution) Act, 1981 respectively.

AND WHEREAS, the Board has implemented the Environment Protection Act, 1986 to protect surrounding area. it is mandatory on your part to obtain consent to operate from M.P.C. Board subject to certain terms and conditions more precisely define under section 26 of the Water (Prevention & Control of Pollution) Act, 1974, Air (Prevention & Control of Pollution) Act, 1981, Hazardous & Other Waste (Management & Transboundry Movement) Rules, 2016, and comply with the consent condition and to operate and maintain comprehensive pollution control system to avoid any type of pollution in the nearby area

AND WHEREAS, A frequent complaints are received regarding discharge of ash mixed water from M/s. Koradi TPS into Kolar & Kanhan River causing a contamination drinking water source and damage of agriculture land and corps. **AND WHEREAS**, the incidence of bursting of Khasara ash bund on 16/07/2022 and submergence of large agriculture area of adjoining village & discharge of ash mixed water into surrounding area from Khasara ash bund.

MPCB officials and Sub Regional Officer Nagpur-I had visited on 17/07/2022 and reported the following non-compliances as under

(2)

1. You have failed to make a compliance of fly ash Notification, resulting incidence of Khasara ash bund bursting on 16/07/2022 at 11.45 am, ash containing water gushed away forcedly and causing submergence of nearby village i.e. Khairi, Khasara, Mhasala, Kawtha, Suradevi, Waregaon, Yerkheda & Bhilgaon & irrigation canal.
2. You have discharge ash contaminated water into Kolar & Kanhan River from Khasara ash bund, resulting affected drinking water supply of surrounding villages.
3. The large quantity of ash deposited at many places surrounding to Khasara ash bund as well as in toe drain and also light reddish colour turbid water found coming out from industry premises i.e. unit no. 6 and found flowing into local nalla, which goes towards Kanhan River.
4. You have raised the height of Khasara ash bund wall without obtaining Environmental Clearance from Environment Department and causing violation of provision of Environmental legislation.
5. You have fail to carry out pre and post monsoon survey of all ash pond and check a safety of ash pond, resulting incidence of break down of Khasara ash bund was happened and entire ash containing effluent flow out low lying areas, agriculture fields, natural nallas and into drinking water source is causing harm to Environment on large scale.

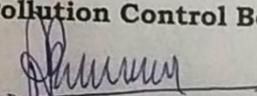
AND WHEREAS, it seems that, you are knowingly and willingly causing the grave injury to the Environment by creating pollution in the nearby area.

NOW, THEREFORE, in exercise of the powers conferred upon the undersigned under section 33A of the Water (P&CP) Act, 1974 and Air (P&CP) Act, 1981 I, hereby issue Proposed Directions against your industry as follows:

1. **Why your industry shall not be directed to stop the further manufacturing activities henceforth?**
2. **Why the competent authority shall not be directed to disconnect water/electricity supply to your project?**
3. **Why the suitable amount of Bank Guarantee shall not be forfeited on above lapses along with Levy of Environmental Compensation.**

You shall submit your reply/objections within a period of 07 days from the date of receipt of these directions, failing which the Board will be constrained to issue appropriate final directions, as may deem fit in your case, which may be noted.

**For and behalf of the
Maharashtra Pollution Control Board**


(A.M. Kare)

Regional Officer, Nagpur

Copy submitted to:

1. The Hon'ble Member Secretary, M.P.C.B. Mumbai.
2. The Joint Director (APC), M.P.C. Board, Mumbai.
3. The Law Officer (HQ) M.P.C. Board, Mumbai.

Copy to: - 1. Sub-Regional Officer, M.P.C. Board, Nagpur-I.

- You are directed to serve the copy of Proposed Direction to the industry and also submit the Compliance against Directions.
Copy to Master file, Nagpur.

MAHARASHTRA POLLUTION CONTROL BOARD
REGIONAL OFFICE NAGPUR

Website : mpcb.gov.in.
e-mail : ronagpur@mpcb.gov.in
Fax : 2560851
Phone : 2565308, 2560139



Regional Office,
5th Floor, Udyog Bhawan,
Civil lines,
Nagpur - 440001.

No. MPC/NRO/834/2022

dtd:- 04/08/2022.

To,
The Chief engineer (O & M)
Koradi Thermal Power Plant,
Tq Kamptee, Dist Nagpur.

Sub:- Breach of Khasara ash Bund on 16.07.2022.

Ref:- Visit of Hon'ble Member Secretary on 03.08.2022.

This is with reference to visit of the Hon'ble Member Secretary at Kharasa Ash bund on 03.08.2022 w.r.t accident of breach of ash bund wall and submergence of nearby area on 16.07.2022. Member secretary has took the stock of remediation measures taken by MAHAGENCO and following observations have been made after visit and presentation submitted before him.

- 1) MAHAGENCO authority is in process of second raising of ash bund peripheral wall of length 7.0 Km from RL 308.5 Mtr to RL 312 Mt (3.5 Meter). Work of raising of bund height for length 6.9 KM has been completed and 100-meter length was balanced with height of 308.5 Mt.
- 2) Concreted west weir is important part of ash dam provided for overflow of excess water for safety of the dam. It is also noticed that height of west weir is raised from 305.78 to the 309.28 meter which is 0.78-meter-high than balanced unraised bund height and may have caused over topping of excess water from the Bund due to incessant rain and resulting into broken of ash bund. This should be justified with explanation.
- 3) No side stone pitching of bund was carried simultaneously.
- 4) Needs to follow modelling system into bund for ash slurry dropping and found that failed to construct lagoon formation at LHS side of waste weir.
- 5) Failed to carry out gap analysis of total precipitation during the season and discharges from the ash Bund.
- 6) Legacy ash in the pond was about 1.81 Cr Metric Tonne.

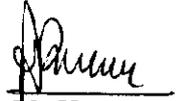
(2)

- 7) Lapses towards completion of balanced raising work even after passing of more than two weeks after incidence.

In view of above, it is now directed to submit explanation for above negligence resulting into breach of dam and causing severe damage to the livestock, crops, agriculture land and surrounding Environment. It is further directed to submit;

- a) Assurance/certification by CE (Civil)/CE (O & M) of total safety of Ash bund and no recurrence of such mishap again. Concerned department/Officer will be held responsible for the recurrence of the mishap.
- b) Action plan for disposal of legacy ash with road map.
- c) Restoration plan of damaged portion of dam and precautions to be taken to avoid recurrence of incidence.
- d) Restoration plan for rejuvenation of damaged Environment.
- e) Details of Environmental compensation and compensation towards affected people.

You are directed to submit above details to this office within seven days Positively.



A.M. Kare,
Regional Officer,
M.P.C. Board, Nagpur

Copy Submitted to:-

1. The Member secretary, M.P.C. Board, Mumbai.
2. The Joint Director (APC), M.P.C. Board, Mumbai.

Copy to :- Sub-regional officer, M.P.C. Board, Nagpur -1