

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,  
Principal Bench, New Delhi**

Original Application No. 398/2022

Lalman Shah

...Applicant

Versus

State of M.P.

...Respondent

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2.	<b>Annexure-I:</b> A copy of Hon'ble NGT order dated 21.09.2022 & Notice dated 30.09.2022.	

  
**(Nazimuddin)**  
Scientist F  
Central Pollution Control Board  
Delhi-110032

Date: 13.01.2023

Place: Delhi

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,  
PRINCIPAL BENCH  
ORIGINAL APPLICATION NO 398 OF 2022**

**IN THE MATTER OF:**

**Lalman Shah**

...Applicant

**Versus**

**State of M.P.**

...Respondent

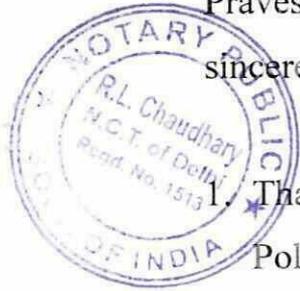
**REPLY ON BEHALF OF RESPONDENT NO. 3 CENTRAL  
POLLUTION CONTROL BOARD, (CPCB)**

**MOST RESPECTFULLY SHOWETH:-**

I, Nazimuddin S/o Shri Ifitah Uddin, aged about 57 years working in the capacity of Scientist-F, with Central Pollution Control Board, having office at Pravesh Bhawan, East Arjun Nagar, Delhi, do hereby solemnly affirm and sincerely state on oath as follows:

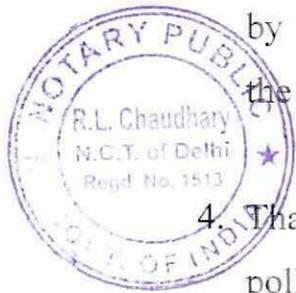
1. That I am presently working in the capacity of Scientist-F at Central Pollution Control Board (hereafter called as CPCB), and have been authorized to file the Present Affidavit. I have read and understood the contents of the copy of the above Petition and I have perused the documents annexed therewith, and as I am conversant with the facts and circumstances of the present case, I am duly authorized and competent to file the present Counter Affidavit on behalf of the Respondent No. 3.

2. That ~~the~~ save for averments specifically admitted herein or which is a matter of record, the Answering Respondent denies each and every averment, contention, allegation, and assertion made in the Petition in so far



as the same is inconsistent with the Counter Affidavit/ Reply. Nothing in the reply shall be treated as being admitted by the answering Respondent merely for want of a specific traversal of the contents of the plaint and the same may be considered as being denied in seriatim.

3. That in response to the averment in the Petition pertaining to reference of the medical and education facility being not provided to the residents of Sasan village whose land was not acquired by the Sasan Power Plant. It is humbly submitted that the matter is concerned with act(s)/ omissions of the industry i.e.; M/s Reliance Sasan Power Limited, Sasan, therefore, the Answering Respondent being devoid of complete knowledge of the facts herein, it is pertinent that the response to the said averment shall be made by Project Proponent i.e., Respondent No. 6. Hence, the said averment in the Petition does not merit any response from the Answering Respondent.



4. That in response to the averment in the Petition regarding environmental pollution caused due to coal yard and loss on the agricultural produce are unverified, unconfirmed and require proper study and verification. It is humbly submitted that, in this regard, it is submitted that the Joint Committee constituted in the present captioned matter vide order dated 21.09.2022, which included CPCB as one of the member, has duly verified and monitored the factual status and issue of environment pollution caused by the coal yard was duly recorded and reported in the Joint Committee Report along with the issue of loss agricultural produce and being submitted by SPCB. The contents of the Joint Committee Report dated along with the Annexure be read as part and parcel to the reply.

5. That in response to the averment in the Petition regarding the employment not provided by the Industry to the local people. It is humbly submitted that

the matter is concerned with act(s)/ omissions of the industry i.e.; M/s Reliance Sasan Power Limited, Sasan, therefore, the Answering Respondent being devoid of complete knowledge of the facts herein, it is pertinent that the response to the said averment shall be made by Project Proponent i.e., Respondent No. 6. Hence, the said averment in the Petition does not merit any response from the Answering Respondent.

6. That in response to the averment in the Petition regarding the averment / prayer clause seeking for either purchasing of their land on market rate by the Project Proponent i.e., Respondent No. 6 or providing for compensation, medical facility and to controlling the environmental pollution, the issue of environmental pollution has been duly addressed and reported in the Joint Committee Report. However, the other issues raised in the prayer are at the discretion of the Hon'ble Tribunal and merits no response from the Answering Respondent.

That in view of the facts indicated in earlier paras it is respectfully prayed that necessary directions be passed and the Respondent No.3 confirms that it shall abide by any order or direction, passed by this Hon'ble Tribunal.



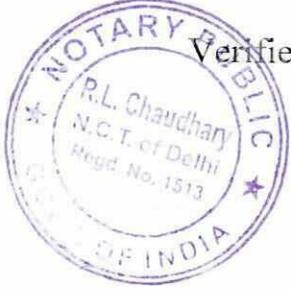
*Handwritten signature*

**DEPONENT**

नाजिमउद्दीन / Nazimuddin  
वैज्ञानिक "ई" / Scientist  
केन्द्रीय प्रदूषण नियंत्रण बोर्ड  
Central Pollution Control Board  
पर्यावरण, वन, जलवायु परिवर्तन विभाग, भारत सरकार  
Min. Envt. Forest & Climate Change, Govt. of India  
परिवेश भवन, पूर्वी अर्जुन नगर, दिल्ली-110 032  
Parivesh Bhawan, East Arjun Nagar, Delhi-110032

## VERIFICATION

I, the above named deponent do hereby verify that the contents of my above affidavit are true to my knowledge and belief based on official record. No part of it is false and no material has been concealed therein.



Verified at Delhi on this 13<sup>th</sup> day of January, 2023.

**DEPONENT**

नाज़िम उद्दीन / Nazimuddin  
विज्ञानिक "ई" / Scientist "E"  
राज्य प्रदूषण नियंत्रण  
Central Pollution Control  
एवं जलवायु परिवर्तन मंत्रालय  
Govt. Forest & Climate Change  
राज्य भवन, पूर्वी अर्जुन नगर, दिल्ली-110002  
Pavesh Bhawan, East Arjun Nagar, Delhi-110002

**ATTESTED**

NOTARY PUBLIC  
GOVT. OF INDIA

13 JAN 2023

Item No.02

(Court No. 2)

**BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH**

(By Video Conferencing)  
Original Application No. 398/2022

Lalman Shah &amp; Ors.

Applicant

Versus

State of M.P.

Respondent

Date of hearing: 21.09.2022

**CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER  
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

Applicant: None.

Respondent: Mr. Raghav Sharma, Advocate for UPPCB.

**Application is registered based on a Letter Petition received by Email.****ORDER**

1. The applicants Lalman shah and others have sent the present letter petition, which has been treated and registered as original application, claiming themselves to be victims of environmental pollution caused by Sasan Power Plant (Reliance Sasan Ultra Mega Power Project). The applicants have averred that the project proponent has not taken any steps for improvement of environment and providing medical and education facilities to the local residents. The applicants are dependent on agriculture. Due to pollution caused by fly ash generated by power plant their crops are destroyed and they are suffering from serious diseases. There is no employment for them in the above said power plant. The applicants have prayed that either their land be also acquired so that they could shift to some other area or they may be provided compensation, medical facilities etc. and appropriate steps be taken for remedying the environmental degradation and making area conducive for living.

2. This Tribunal is empowered to take cognizance of the cases involving questions relating to environment arising out of the implementation of enactments specified in Schedule I of the National Green Tribunal Act, 2010 *suo moto* as held by Hon'ble Supreme Court in **Municipal Corporation of Greater Mumbai V/s. Ankita Sinha and others 2021 SSC Online SC 897**. This Tribunal can also take cognizance of such cases on the basis of letter petitions in accordance with settled principles of law governing Public Interest Litigation.

3. Vide order dated 07.07.2022, this Tribunal took cognizance and constituted a Joint Committee comprising of the State PCB and District Magistrate, Singrauli and directed the same to submit Factual and Action Taken Report within two months.

4. In compliance thereof, the Joint Committee has submitted Factual and Action Taken Report vide email dated 08.09.2022. The relevant part of the report is reproduced hereunder:-

*“1.3 In compliance of the order of Hon'ble NGT, a Committee comprising of the following officers visited the site on dated 04.08.2022:*

S. No.	Name of the officer	Designation	Department
1.	Shri Rishi Pawar	Sub Division Officer and Magistrate, Dist. Singrauli, (M.P.)	District Administration, Dist. Singrauli (M.P.)
2.	Dr. Lavkush Singh	Astt. Director Agriculture, Dist. Singrauli, (M.P.)	Kishan Welfare and Agriculture Development Singrauli (M.P.)
3.	Dr. Abhay Ranjan Singh	Block medical Officer Khutaar, Dist. Singrauli (M.P.)	Medical & Health Department, Dist. Singrauli (M.P.)
4.	Mukesh Shrivastav	Regional Officer M.P. Pollution Control Board, , Singrauli (M.P.)	M.P. Pollution Control Board, , Dist. Singrauli (M.P.)
5.	Shri Arvind Sawale	Sub. Engineer M.P. Pollution Control Board, Singrauli (M.P.)	M.P. Pollution Control Board, , Singrauli (M.P.)

1.4 Shri Lalman Shah s/o Shri Tilak Shah, Maankunvar w/o Lalman Shah, Baliram Prasad Shah s/o Lalman Shah, Smt. Raina Shah W/o Baliram Prasad Shah and Saurya Kumar Shah S/o baliram Prasad Shah, Tahsildar, Revenue Inspector, Patwari and other officer from concerning department were also present at the site visits.

1.5 The petitioner and others were also asked for going medical checkup and for clinical investigation by the medical officers but they have indicated unwillingness for medical checkup. Report of the medical officer is enclosed.

1.6 Petitioner crops were seen by the team and agriculture specialist report of the agriculture officer is enclosed.

1.7 M/s Sasan Power Plant (Reliance Sasan Power Limited) have established following air pollution control arrangements:-

*Fixed type water sprinklers to suppress the dust emission, Conveyor galleries and transfer points are covered, Dust extraction systems in transfer points in installed, Dust Suppression system in conveyor belt, Plantation along the boundary wall.*

1.8 Air pollution monitoring is frequently carried out by regional laboratory, MPPCB Report is enclosed Annexure-5.

*Report is being submitted for the kind perusal of Hon'ble NGT in compliance of its order dated 07.07.2022. Photographs as taken during the visit are also enclosed. ”*

5. We have gone through the report and find that the Joint Committee has not properly addressed the issues involved and has casually submitted incomplete report with superficial/conjectural observations. The Joint Committee has merely mentioned about installation of pollution control arrangements by the Project Proponent but has not looked into the aspects of actual functioning and efficacy thereof and has also not mentioned even a single word regarding compliance with the consent conditions by the Project Proponent as well as the aspects of fly ash generation, storage and disposal. The Joint Committee has also not gone into the question of damage to crops of the applicant caused due to fly ash pollution. The Joint Committee felt contended with the report of the Deputy Director, Farmers Welfare and Agricultural Department, District Singhroli without noticing that in the report the above said officer had merely mentioned that there is

no standard available with the Department regarding assessing destruction, damage to crop due to pollution and coal yard. The report submitted by the Joint Committee merits nothing but outright rejection. We also express our displeasure over the manner in which the Joint Committee has carried out the inspection and submitted the report without addressing all the relevant material issues involved.

6. In the facts and circumstances of the case, we are constrained to reconstitute the Committee by adding representatives of Regional Office of MoEF & CC at Bhopal and CPCB and the Joint Committee now comprising of Regional Office of MoEF & CC at Bhopal, CPCB, State PCB and District Magistrate, Singhroli is directed to meet within three weeks, undertake site visits, look into the grievances of the applicant, verify the factual position and take requisite remedial action by following due process of law and giving opportunity of being heard to the Project Proponent. State PCB will continue to be the nodal agency for compliance and coordination.

7. In its report, the Joint Committee shall specifically deal with all relevant issues raised in the application including the following aspects:-

- (i) Compliance with the consent conditions by the Project Proponent;
- (ii) Account of the Fly Ash generation, storage and disposal;
- (iii) Actual functioning and efficacy of the pollution control measures/arrangements;
- (iv) Quality of air and water in the plant premises and surroundings; and
- (v) Compliance with environmental norms and impact of air or water pollution if any on residents of the locality, livestock, soil, vegetation agricultural crops etc.

8. The Joint Committee shall also make an assessment as to whether any air/water pollution caused by the Project Proponent resulted in any damage to the agricultural crops in the vicinity of the power plant and if so

make its recommendations regarding quantum of compensation required to be paid to the affected persons. For this purpose, the Joint Committee may associate one or more of the experts from any of the Agriculture University/Institute in the region and/or seek report from the concerned Revenue Officials regarding average agricultural yield in the affected land and average agricultural yield in other unaffected land in the vicinity.

9. Factual and Action Taken Report may be submitted **within two months** by e-mail at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in) preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF.

10. In view of the facts and circumstances of the case, we also consider it appropriate to have response from (1) State of Madhya Pradesh through Chief Secretary, Government of Madhya Pradesh, (2) Regional Officer of MoEF & CC at Bhopal, (3) CPCB, (4) State PCB, (5) District Magistrate, Singhroli and (6) Project Proponent- M/s Sasan Power Plant (Reliance Sasan Power Limited) who stand impleaded as respondents No. 1 to 6 and accordingly direct issuance of notices to them by E-mail requiring them to file their response/reply **within three months** by [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in) preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF.

11. The registry is directed to prepare and attach memo of parties with the paper book and issue notices to respondents no. 1 to 3 and 5 and 6 accordingly.

12. Notice be served on the Project Proponent- M/s Sasan Power Plant (Reliance Sasan Power Limited) through the District Magistrate, Singhroli and for this purpose notice issued to the Project Proponent may be sent to the District Magistrate, Singhroli by E-mail for getting service of the same effected on the Project Proponent and sending his report in this regard.

13. In its reply, the Project Proponent shall also submit details of CSR/CER activities conducted/proposed to be carried out by it.

14. Mr. Raghav Sharma, Advocate for MPPCB seeks time to file reply on behalf of respondent no. 4. Reply/response on behalf of respondent no.4-MPPCB may be filed within three months as directed above.

15. List the matter for further consideration on 16.01.2023.

16. A copy of this order be sent to the Regional Office of MoEF & CC at Bhopal, CPCB, State PCB and District Magistrate, Singhroli for requisite compliance.

Arun Kumar Tyagi, JM

Dr.Afroz Ahmad, EM

September 21, 2022  
AG

“By Email”

National Green Tribunal  
Faridkot House, Copernicus Marg,  
New Delhi-110001

No. NGT/Judicial/OA/398-2022/

Dated: 30.09.2022

To

District Magistrate, Singrauli,  
3JH6+488, Singrauli, Madhya Pradesh 486886,  
Email Address: dmsingrauli@mp.nic.in

1. Sub: Service of Notice dated 30.09.2022 to Project Proponent (M/s Sasan Power Plant (Reliance Sasan Power Limited)) in Original Application No. 398/2022 titled “LALMAN SHAH & ORS.VS STATE OF MADHYA PRADESH & ORS.”-reg.

Sir,

The aforesaid application was listed before the Tribunal on 30.09.2022, when the Tribunal inter-alia passed the following order (reproduced relevant extracts only):-

“12. Notice be served on the Project Proponent- M/s Sasan Power Plant (Reliance Sasan Power Limited) through the District Magistrate, Singrauli and for this purpose notice issued to the Project Proponent may be sent to the District Magistrate, Singrauli by E-mail for getting service of the same effected on the Project Proponent and sending his report in this regard.

15. List the matter for further consideration on 16.01.2023.”

2. In pursuance of the order dated 30.09.2022 passed by Hon'ble Tribunal, notice dated 30.09.2022, is enclosed with the request to service the notice to Project Proponent (M/s Sasan Power Plant (Reliance Sasan Power Limited)) and send the service report.

With regards

  
30/9/2022  
Consultant (Judicial),  
National Green Tribunal

Encl: As stated above.

