

BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

OA No. 360/2023

In the matter of:

Ajay Shrivastava

Applicant

Versus

State of Haryana & Ors.

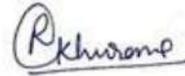
Respondent(s)

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Date: 30.08.2025

Through



Rahul Khurana, Advocate
A-174 A, 2nd Floor, Defence Colony
New Delhi, 09811894060
rkhuranalegal@gmail.com

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REPORT ON BEHALF OF HARYANA STATE
POLLUTION CONTROL BOARD IN COMPLIANCE OF
ORDER DATED 06.11.2024

MOST RESPECTFULLY SHOWETH:

I, Sandeep Singh, Regional Officer, Haryana State Pollution Control Board, Faridabad, do hereby solemnly affirm and state as under:

1. That answering respondent filed its report dated 05.11.2024 with conclusion as reproduced below:

"(1) In view of long age of 37 years approx. of abandoned old ash dyke, it does not appear feasible to verify the measures taken while stabilizing the site in 1987 and issue certificate in view of the MoEF&CC Guidelines issued in June, 2023 Read with MoEF&CC Notification dated 31.12.2021 and 30.12.2022.

(2) Possibility of disbursal of Ash into air during its excavation, lifting and transportation cannot be ruled out. Present complaint also raised during its excavation



and lifting from new Ash Dyke. No complaint of air pollution received caused due to dykes lying abandoned and covered with natural vegetation.

(3) Before any activity is being carried out on the Old Ash Dyke, prior study and preparation with adequate Air Pollution Control Measures will be required especially in view of dense habitation in close proximity. New Ash Dyke is not so proximity of habitation as Old Ash Dyke.

(4) If Old Ash Dyke is continued to as remain as it is, continuous Ground water Samples monitoring will be required to ascertain its impact on the ground water and requisite precautionary steps in light of those ascertained facts."



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2. That after considering said report dated 05.11.2024 and submissions made by the parties, this Hon'ble Tribunal passed an order dated 06.11.2024 and observed that HSPCB require to State in clear term whether the condition of the proviso to clause 5 of the notification are satisfied and the certificate has been issued in terms thereof. This Hon'ble Tribunal directed to file fresh report/response by way of affidavit.
3. That it is submitted proviso to clause 5 of notification dated 31.12.2021 provides that legacy ash utilisation shall not be required where ash pond or dyke has stabilized and the

reclamation has taken place with greenbelt or plantation and the concerned State Pollution Control Board shall certify in this regard. Stabilisation and reclamation of an ash pond or dyke including certification by the Central Pollution Control Board (CPCB) or State Pollution Control Board (SPCB) or Pollution Control Committee (PCC) shall be carried out within a year from the date of publication of this notification. The ash remaining in all other ash ponds or dykes shall be utilised in progressive manner as per the above mentioned timelines.



4. That in this regard, the CPCB and Central Electricity Authority, Ministry of Power, GoI have issued Guidelines on Design, Construction, O&M and Annual Certification of Coal Ash Ponds in July 2023 copy of which is at page no. 165 annexed with report dated 05.11.2024 of HSPCB. Chapter 10 of these Guidelines (page 168) deals with Stabilisation and Reclamation of ash ponds under following heads:

“10.1 Preconditions for abandoning

10.2 Reclamation of ash disposal Facility

1. Complete dewatering

2. Surface regarding and Site preparation

3. Placement of earth cover

10.3 Ash Pond reclamation with soil cover and green belt/plantation

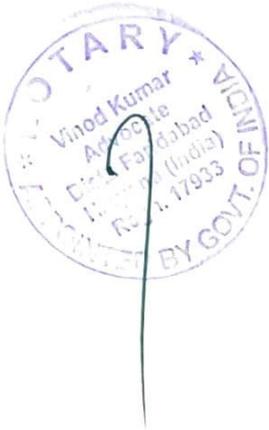
10.3.1 Plantation for green belt

10.4 Reclamation of Abandoned Ash Pond with solar power plant or wind power plant

10.5 Precautions during reclamation activity

10.6 Annual certification of reclaimed ash ponds and dykes"

5. That ash pond stated to be lying defunct since 1987 and covered by the earth layer in 1990 may have stabilized naturally but guidelines of June, 2023 were not complied with by the Thermal Power Plant, Faridabad. In such facts and circumstances mentioned herein above, it is not feasible for the answering respondent to issue certificate as per proviso of clause 5 of Notification dated 13.12.2021 passed by MoEF&CC.



I know the Deponent and He/She
Signed Print, His./Her Thumb
Impression in My presence

Verification:

Verified at Faridabad on 30th day of August, 2025 that contents of para no.1 to 5 of present report are true and correct as per my knowledge derived from the official record. Nothing material has been concealed therein.

Deponent

ATTESTED AS IDENTIFIED
Notary Faridabad (Haryana)

Deponent

30 AUG 2025