

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO. 364 OF 2022**

IN THE MATTER OF:

Ram Kailash Singh ...Applicant

Versus

State of U.P. & Ors. ...Respondents

INDEX

SR. NO.	PARTICULARS	PAGES
1.	Reply on behalf of Respondent No. 5/Prayagraj Power Generation Company Limited with affidavit.	170-186
2.	ANNEXURE R5/1 A true copy of the Report dated 28.07.2022 filed by JC.	187-228
3.	ANNEXURE R5/2 (COLLY.) True copies of the MoEF&CC Notifications.	229-266
4.	ANNEXURE R5/3 (COLLY.) True copies of the Letter of Intent dated 13.12.2021 and the Contract dated 27.01.2022 entered between PPGCL and the Contractor.	267-277
5.	ANNEXURE R5/4 (COLLY.) True copies of the CTO dated 18.12.2021 issued by UPPCB in favour of the Contractor.	278-283
6.	ANNEXURE R5/5 A true copy of the PPGCL Policy dated 01.04.2022.	284
7.	Proof of Service.	285

FILED BY**SKV LAW OFFICES**

Advocates for Respondent No. 5/PPGCL
B-50, Defence Colony, New Delhi-110024

Phone: 011-47099999

Email: lawyers@skvlawoffices.com

Place: New Delhi
Date: 20.03.2023

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO. 364 OF 2022**

IN THE MATTER OF:

Ram Kailash Singh ...Applicant

Versus

State of U.P. & Ors. ...Respondents

**REPLY ON BEHALF OF RESPONDENT NO. 5/PRAYAGRAJ POWER
GENERATION COMPANY LIMITED**

MOST REPECTFULLY SHOWETH:-

I. CONSPECTUS:-

1. The present Letter Application has been filed by Mr. Ram Kailash Singh ("**Applicant**") before this Hon'ble Tribunal against M/s National Thermal Power Corporation Limited ("**NTPC**") situated in Ginj Pure Baijnath, Police Station and Tehsil Bara, District Prayagraj, UP. The Applicant in the captioned Application has alleged that NTPC has been dumping Fly Ash in an abandoned mine which is approximately 200 feet in depth and in which nearly 80 feet is filled with water.
2. The Applicant has further stated that due to the alleged dumping of Fly Ash by NTPC in the abandoned mine, the water is being rendered unusable which is polluting the environment being in violation of the Environment (Protection) Act, 1986 ("**EP Act**").

Re. Constitution of Joint Committee:-

3. It is submitted that while taking cognizance of the complaint of the Applicant, this Hon'ble Tribunal *vide* its order dated 23.05.2022 was pleased to constitute a Joint Committee ("**JC**") comprising of the representatives from Regional Office of the Ministry of Environment, Forest and Climate Change ("**MoEF&CC**"), Lucknow, the Central Pollution Control Board ("**CPCB**"), the State Pollution Control Board

i.e. Uttar Pradesh Pollution Control Board ("SPCB"/"UPPCB"); and the District Magistrate, Prayagraj.

- 3.1. This Hon'ble Tribunal was further pleased to direct the JC to submit a Factual and Action Taken Report ("**Report**") within two months from the date of the said order. The said exercise was to be done pursuant to the site visits and after conducting a proper investigation into the grievances of the Applicant by the JC.
- 3.2. In compliance of the above order, JC submitted its Report dated 28.07.2022 before this Hon'ble Tribunal. The relevant portion of the report is reproduced herein below:-

"

A. Following observations has been made during visit.

1. **As complaint pointed out about the National Thermal Power Corporation (NTPC), which is not found in this area. Instead of NTPC M/s Prayagraj Power Generation Company Limited (PPGCL), Bara Prayagraj found operating and linked with the abandoned mines in question for disposal of bottom ash, as mention in the Hon'ble NGT order dated 23.05.2022.**

2. **Committee also contacted Shri Ram Kailash Singh (The Complainant) and verified his Aadhar Card and discuss the matter. Shri Ram Kailash Singh clearly stated that he did not file this complaint. Shri Singh also handed over affidavit to committee (copy of affidavit enclosed as annexure A).**

3. **M/s Prayagraj Power Generation Company Limited (PPGCL), Bara, Distt. Prayagraj commissioned 3x660 megawatt Power Plant, which is major source of ash generation in this area. M/s PPGCL has given work order for the disposal of the bottom ash in the abandoned mine void to M/s Ram Raj Singh, Bhukhand No. 180, Pure Baijnath, Bara Prayagraj (Copy of the work order enclosed as annexure B). Smt. Ramrati Devi w/o Sh. Devraj Singh has authorized to Sh. Ram Raj Singh to use her mine for disposing the ash (annexure C). Accordingly, the disposal activity started after due permission from respective regularly authority by Sh. Ram Raj Singh, Bhukhand No. 180, Pure Baijnath, Bara Prayagraj {vide UPPCB letter no. CTO vide 144771/UPPCB/Allahabad(UPPCBRO)/ CTO/water/PRAYAGRAJ/2021 dated 18.12.2021, which is valid up to 31.07.2023 and UPPCB vide letter No. CTO vide 144766/UPPCB/Allahabad(UPPCBRO)/CTO/air/PRAYAGRAJ/2021 date d 18.12.2021, which is valid up to 31.07.2023}.**

4. **As per the Hon'ble NGT order dated 23.05 .2022 the complainant has raised the issue for dumping of Fly Ash in water resources filled with 80 feet by NTPC in Ginj Pure Baijnath, Police**

station Bara, District Prayagraj, which is violation of the EPA Act and causing the damage to the Environment and posing serious health hazard in habitant. Accordingly, Joint committee interacted with the local habitant to find the fact about health hazard being caused due to dumping of the ash in the abandoned mine. (List of the local habitant with whom joint committee interacted enclosed as annexure D). **None of them raised any significant issue related to health as well as environmental pollution linked with the disposal of Ash.**

5. Joint committee also interacted with the Superintended, Community Health Centre (CHC), Shankargarh, Prayagraj. He informed that no significant health issues reported among the habitant since last one years due to air and water pollution exposure to the habitant (copy of letter enclosed as annexure E)

6. District Environmental Secretariat, Prayagraj granted Environmental Clearance (EC) vide letter no. 436/Prayagraj (DEIAA) 582/2017-18 dated 27.05.2017 in the name of Smt. Ramrati Singh w/o Shri Deviraj Singh, Tehsil Bara, District Prayagraj . As per the environmental clearance (EC) the total area of the above project is 2.02 hectare (copy of EC issued by DEIAA, enclosed as annexure F)

B. Factual status at site:

1. Details layout indicating location of M/s PPGCL, Prayagraj, abundant mine, irrigation canal & other details are shown in map is enclosed as annexure G for reference and record.

2. As per information provided by PPGCL around 1800 ton/day bottom ash being generated and work order has been given to M/s Ram Raj Singh, Bhukhand No. 180, PureBaijnath, Bara Prayagraj for disposal of 2,00,000 metric tons of bottom ash in to his abandoned mine. Out of which 55,000 metric ton has dispatched by PPGCL for disposal to the M/s Ram Raj Singh, Bhukhand No. 180, PureBaijnath, Bara Prayagraj, which has been disposed on abandoned mine for filling the undulated area of the mine as well as developing the approach road within the abandoned mine.

3. As per site visit committee has found that approximate 20% of the abandoned mine area has already been filled by dumping of ash (bottom ash) and it is also shown in Google map taken on two different dates i.e. before dumping bottom ash in the mines (Annexure H(A), and after dumping of bottom ash started in the mines as on (Annexure H(B)) enclosed for reference.

4. As per the discussion had with Mis PPGCL, Prayagraj and Sh. Ram Raj Singh (Mine owner), it is found that total depth of the mine is approximately 100 feet and almost 50% mine is filled with the rain water. It is estimated that approx. 2-2.5 lakh meter cube water stored in mine.(Photographs 1,2,14).

5. **Committee also noticed that the M/s Ram Raj Singh, Bhukhand No. 180, PureBaijnath, Bara Prayagraj used significant quantity of soil for conditioning the bottom ash dumped area for the development of green belt in one side**

abandoned mine and planted various saplings, it seems the above sapling has been planted recently before site visit of the joint committee(photographs 4,5,18).

6. *The work order issued on dated 27.01.2022 by the PPGCL in the name of M/s Ram Raj Singh, Bhukhand No. 180, PureBaijnath, Bara Prayagraj, for dumping of ash (bottom ash).The dumping of bottom ash has been stopped recently before committee visit, due to intervention of local administration (Copy of letter is attached as annexure I) as complaints has filed the case in Hon'ble NGT.*

7. *The photographs taken during visit are annexed as annexure J for reference.*

C. Recommendation:

1. *Approach road for transportation of the ash to the abandoned mine shall be constructed appropriately to avoid air pollution,*

2. *M/s Ram Raj Singh, Bhukhand No. 180, PureBaijnath, Bara Prayagraj must ensure that the vehicle used for the transportation of the ash must have valid PUC, fitness certificate and appropriately covered to avoid air pollution,*

3. *Water sprinklers must be deployed to ensure to prevent the re-suspension of the road dust and prevent the air pollution in to the surrounding area due to movement of vehicles.*

4. *As concerned of the matter of the compliant and prevention of the environmental pollution the dewatering of abandoned mine to be carried out at the cost of the M/s Ram Raj Singh, Bhukhand No. 180, PureBaijnath, Bara Prayagraj and evacuated water must be discharge in the nearby irrigation canal which is meeting to river Belanand ultimately confluence with river tons, after traversing the substantial distance.*

5. *M/s Ram Raj Singh, Bhukhand No. 180, PureBaijnath, Bara Prayagraj must ensure the ash should not be dumped in the abandoned mine until it gets completely dewatered to avoid further contamination of the water, which is recommended for disposing in to the nearby natural water bodies through the canal and it is approximately 250 meter away from the abandoned mine in question.*

6. *M/s Ram Raj Singh, Bhukhand No. 180, PureBaijnath, Bara Prayagraj must ensure the proper implementation of the mine closure plane, which is one of the conditions of Environmental Clearance (EC) issued to them.*

7. *For the optimum utilization of the water resources M/s Ram Raj Singh, Bhukhand No. 180, PureBaijnath, Bara Prayagraj must de-water the abandoned mine only during lean season."*

[Emphasis Supplied]

with and marked as **ANNEXURE R5/1**.

4. It is submitted that when the matter was taken forward by the JC, it was found out that at the alleged project site, there was no Thermal Power Plant (“**TPP**”) of NTPC and instead TPP of M/s Prayagraj Power Generation Company Ltd (“**PPGCL/ Respondent No. 5**”) was found operating at the site. In view of the same, PPGCL was impleaded as a party in the present matter.
5. It is submitted that from a bare perusal of the Report filed by the JC and the recommendations made thereunder, it is evident that the JC has not recorded any adverse findings against PPGCL and the recommendations essentially pertain to the scope of work of the contractor engaged by PPGCL. The recommendations made by the JC are *qua* Mr. Ram Raj Singh, who is the contractor engaged by PPGCL for the purpose of lifting and disposal of Fly Ash.
6. Without prejudice to the submissions being made in the instant Reply, it is pertinent to mention herein that the Applicant *vide* its Affidavit dated 21.07.2022 has admitted to the fact that the Applicant has not filed any complaint *vide* a letter or an application before this Hon’ble Tribunal. [***Please see Annexure A of the JC Report***]
7. It is submitted that this Hon’ble Tribunal while taking *Suo Moto* cognizance of the captioned Letter Application *vide* its Order dated 14.09.2022, was pleased to convert the said Letter Application into Original Application (“**OA**”). Further, this Hon’ble Tribunal, issued notice to the Respondents and directed to file their respective Reply. Accordingly, in terms of the directions of this Hon’ble Tribunal, PPGCL is filing the Present Reply.

8. At the very outset, all the contentions raised by the Applicant are vehemently denied as the same are without any substantial documents and evidence.

II. PRELIMINARY SUBMISSIONS AND OBJECTIONS:-

Re. Compliance of the MoEF&CC notifications by PPGCL:-

&

Re. Appointment of M/s Ram Raj Singh by PPGCL for disposal of Fly Ash:-

9. It is submitted that PPGCL has established 3 x 660 MW capacity coal fired supercritical TPP at Bara, Prayagraj district in the State of Uttar Pradesh.
- 9.1. Before adverting into the merits of the present matter, reference is placed on various facts, illustrated below.
- 9.2. On 23.05.1986, the Government of India notified the EP Act. Section 3(2)(v) of the EP Act provides as follows: -

“3. Power of Central Government to take measures to protect and improve environment -

...

(2) In particular, and without prejudice to the generality of the provisions of sub-section (1), such measures may include measures with respect to all or any of the following matters, namely: -

....

(v) restrictions of areas in which any industries, operations or processes or class of industries, operations or processes shall not be carried or shall be carried out subject to certain safeguards.”

- 9.3. On 19.11.1986, the Government of India notified the Environment (Protection) Rules, 1986 (“**EP Rules**”). Rule 5(3) (d) prescribed as follows:-

“5. Prohibition and restriction on the location of industries and the carrying out processes and operations in different areas

–

...

(3) (d) The Central Government shall, within a period of one hundred and twenty days from the date of publication of the notification in the Official Gazette, consider all the objections received against such notification and may within five hundred and forty-five days from such date of publication impose prohibition or restriction on location of such industries and the carrying on of any process or operation in an area.”

9.4. It is further submitted that on 14.09.1999, MoEF&CC, GoI, issued a Notification in exercise of powers vested under EP Act and EP Rules mandating utilisation of Fly Ash from Coal and Lignite based TPP (“**Fly Ash Notification**”). By the said Notification, MoEF&CC, *inter alia*, issued the following directions:-

- (a) Manufacturers of clay bricks / tiles / blocks for construction to mix at least 25% of the ash generated by TPPs;
- (b) Pollution Control Boards/Committees to ensure implementation and compliance of the same, by cancelling the Consent Order provided for brick kilns or mining leases, if so required;
- (c) Every TPP shall ensure availability of fly ash for 10 years without any payment/consideration; and
- (d) Every TPP shall submit an Action Plan within a period of 9 years or 15 years depending on environment clearance to phase out dumping and disposal of Fly ash. Action plan to be submitted to the CPCB or the SPCB.

- 9.5. On 03.11.2009, MoEF&CC issued a Notification and allowed for sale of Fly Ash by the generating stations to user agencies and also mandated thermal generating station to utilise 100% Ash in a phased manner.
- 9.6. On 25.01.2016, MoEF&CC once again amended its earlier Notification dated 14.09.1999, whereby sub paragraphs (8) to (14) under paragraph (2) and a new para (5) were inserted, mainly to the effect that the TPPs were required to bear the cost of transportation of fly ash. In addition to the foregoing, the time period to comply with the 100% utilisation of Fly Ash was also duly extended to 31.12.2017.
- 9.7. Further, a new Notification dated 31.12.2021 was issued by MoEF&CC ("**2021 Notification**") which laid down certain responsibilities of TPPs *qua* disposal/utilisation of Fly Ash. The relevant extract of the 2021 Notification is reproduced hereinbelow:-

"A. Responsibilities of thermal power plants to dispose Fly Ash and bottom ash.-

(1) Every coal or lignite based thermal power plant (including captive or co-generating stations or both) shall be primarily responsible to ensure 100 per cent utilisation of ash (fly ash, and bottom ash) generated by it in an eco-friendly manner as given in sub-paragraph (2);

(2) The ash generated from coal or lignite based thermal power plants shall be utilised only for the following eco-friendly purposes, namely:-

...

(v) Filling up of low lying area;

(vi) Filing of mine voids;

....

(4) Every coal or lignite based thermal power plant shall be responsible to utilise 100 per cent ash (Fly Ash and bottom ash) generated during that year, however, in no case shall utilisation fall below 80 per cent in any year, and the thermal power plant shall achieve average ash utilisation of 100 per cent in a three years cycle.."

[Emphasis Supplied]

True copies of the MoEF&CC Notifications are annexed here with and

marked as **ANNEXURE R5/2 (COLLY.)**.

- 9.8. In essence, the sole objective of the said notification was to promote utilisation of Fly Ash by using the same in manufacturing of bricks and other construction activities. It is submitted that in terms of the MoEF&CC Notifications, the TPPs were under a statutory obligation to utilise and dispose of Fly Ash. The same was also binding upon PPGCL, being a TPP. It is further submitted that in order to utilise/dispose of Fly Ash, TPPs were given various options, in order to ensure compliance. One such option available for TPPs was to utilise the Fly Ash by filling of mines, being the subject matter of the Present OA.
- 9.9. From a bare perusal of the aforesaid notifications, it is clear that filling of mines by Fly Ash was an option available to TPPs. Therefore, PPGCL with this statutory directive had to utilise its 100% of Fly Ash and in strict compliance with the MoEF&CC Notifications, it had proceeded to dispose of the Fly Ash by filling of mines by engaging M/s Ram Raj Singh as the Contractor ("**Contractor**"). The disposal of Fly Ash by PPGCL is strictly in conformity with the extant MoEF&CC Notifications.
- 9.10. It is submitted that in terms of the statutory directives of MoEF&CC *vide* various Notifications, PPGCL entered into a Work Contract bearing No. PO 6000000768 and dated 27.01.2022 ("**Contract**") with the Contractor for disposal of Fly Ash.
- True copies of the Letter of Intent ("**LoI**") dated 13.12.2021 and the Contract dated 27.01.2022 entered between PPGCL and the Contractor are annexed here with and marked as **ANNEXURE R5/3**

(COLLY).

- 9.11. Accordingly, from the perusal of the terms and the conditions of the Contract, the responsibility for disposal of Fly Ash has been undertaken by the Contractor and such disposal is being carried out in accordance with notifications of MoEF&CC. In fact, PPGCL was availing the services of the Contractor and has till date paid a sums of INR 80,90,146/-.
- 9.12. In fact, the disposal of Fly Ash into empty mines is being carried out with the permission/ approval UPPCB as explained below.
- 9.13. It is stated that PPGCL has complied with the MoEF&CC Notifications and does not play any role in the physical disposal of Fly Ash into empty mines. Therefore, for the lapse (if any) committed by the Contractor, PPGCL ought not to be made liable. At this juncture, it is relevant to mention herein the well settled principle namely "*the polluters pay principle*" as recognized and appreciated by the Hon'ble Supreme Court of India in the matter titled as ***Vellore Citizens Welfare Forum vs. Union of India*** (1996) 5 SCC 647. For ease of reference of the said judgement is reproduced herein

"12. The Polluter Pays" principle has been held to be a sound principle by this Court in Indian Council for Enviro - Legal Action v. Union of India, J.T. (1996) 2 196. The Court observed, "We are of the opinion that any principle evolved in this behalf should be simple, practical and suited to the conditions obtaining in this country". The Court ruled that "Once the activity carried on is hazardous or inherently dangerous, the person carrying on such activity is liable to make good the loss caused to any other person by his activity irrespective of the fact whether he took reasonable care while carrying on his activity...."

[Emphasis Supplied]

10. From the reading of the above Judgement, it is clear that the principle laid down by the Hon'ble Supreme Court that '*the person*' due to which environmental pollution is being caused shall be liable to compensate with regards to the same. As per the JC, no fault can be attributed to PPGCL and the same is relevant from the following:-

- (a) The JC in its report dated 28.07.2022 does not render any adverse finding against PPGCL. The recommendations therein are made by JC *qua* the Contractor.
- (b) PPGCL has entered into a contract with the Contractor for disposal of the Fly Ash by filling the same in mines. The same is merely towards the compliance of various MoEF&CC Notifications.
- (c) In terms of the contract given by the PPGCL, the sole responsibility for the safe disposal of the Fly Ash is upon the Contractor.

10.1. In fact, it is a settled law, that the liability of the acts of a contractor, cannot be foisted upon the Principal Employer i.e. PPGCL in the present case.

Re: *Consent to Operate dated 18.12.2021 in favour of the Contractor:-*

11. It is submitted herein that the UPPCB on 18.12.2021 granted the Consent to Operate ("**CTO**") in favour of the Contractor under the Air (Prevention and control of Pollution) Act, 1981 ("**Air Act**") for safely disposing the Fly Ash into the empty mines.

11.1. With regards to the consent being granted for discharge of effluents in the water bodies the UPPCB had granted its consent under Section 25 read with Section 26 of the Water (Prevention and control of

Pollution) Act, 1974 (“**Water Act**”). In so far as the emission of effluents in the air is concerned, the UPPCB had granted its consent to the Contractor under Section 21 read with Section 22 of the Air Act.

- 11.2. A bare perusal of the CTO makes it categorical that PPGCL’s responsibility *qua* the disposal of Fly Ash was only limited and restricted to the extent of supplying the Fly Ash deposit to the Contractor as per the Contract.
- 11.3. The CTO is abundantly clear which makes the Contractor responsible for adhering with the conditions specified therein. The relevant extracts of the CTO are being reproduced hereinbelow:-

- “1. This CTO is valid for Back filling of Ash (Received from PPGCL) and Soil in Bhukhand No. 180, Purebajinath, Bara, Prayagraj.***
- 2. Unit is directed to submit Ambient Air Quality Monitoring Report in every quarter done by approved laboratory.*
- 3. Unit will ensure green belt area in premises.***
- 4. The unit is directed to transport Fly Ash in covered manner.***
- 5. Unit is directed to submitted analysis report of ground water regarding heavy metals.*
- 6. This CTO is subjective to mining officer Letter No. 584/khanij/2020-21 DATED 12.02.2021***
- 7. Unit is directed to comply the conditions of LOI between PPGCL & M/S RAMRAJ SINGH***
- 8. Unit will ensure to comply the provisions of E(P) Act 1986 and directions issued by State & Central Pollution Control Board time to time.*
- 9. The unit is directed to proper lining of bank filling area before back filing to avoid leachate of heavy metals.***
- 10. Unit is directed to remove the water from mining area before back filing.”***

[Emphasis Supplied]

True copies of the CTO dated 18.12.2021 issued by UPPCB in favour of the Contractor is annexed herewith and marked as **ANNEXURE R5/4 (COLLY.)**.

- 11.4. A bare perusal of the aforesaid leaves no doubt that in terms of the

CTO specifications, it was an essential obligation on the part of the Contractor to dispose of the Fly Ash in terms of the MoEF&CC Notifications.

It is reiterated that the Contract entered between PPGCL and the Contractor record that it shall be the responsibility of the Contractor to adhere to the specific laws and the regulations, in so far as disposing of Fly Ash is concerned.

Re. Ash Utilisation Policy issued by PPGCL:-

12. In view of the various MoEF&CC Notifications and to achieve hundred percent (100%) of Fly Ash utilisation, PPGCL had issued a circular titled "**Ash Utilisation Policy**" dated 01.04.2022 ("**PPGCL Policy**") which PPGCL has been unequivocally endorsing while undertaking any project activity. The same is also evident from the appointment of the Contractor by PPGCL to safely dispose of Fly Ash.

12.1. In the present case, PPGCL has followed the said Policy in its letter and spirit and accordingly had engaged the Contractor as stated above for safely dumping Fly Ash into the empty mines. In this regard, the following is noteworthy:-

(a) Clause (iii), (iv) and (v) of the PPGCL Policy deals with the methodology to be adopted for innovative policy pertaining to the Fly Ash utilisation. The said Clauses of the PPGCL Policy are reproduced herein below:-

“iii. Encourage and incentivise Ash Utilization by setting up appropriate provisions for collection, handling, and utilisation of ash.

iv. Enhance awareness and actively engage with experts for deploying innovative solutions to enhance gainful ash utilisation, and explore

successful market linkages.

v. Environmentally safe storage of unutilised ash till its utilisation.”

[Emphasis Supplied]

- (b) The intent of the PPGCL Policy is to follow the strict mandate laid down by the MoEF&CC Notifications.
- (c) In terms of Clause (iii) of the PPGCL Policy, PPGCL has endeavoured towards setting up appropriate collection, handling and utilisation of Fly Ash. The same is evident by a bare perusal of the Contract entered between the parties.
- (d) PPGCL, by entering into the Contract, is not just merely adhering to the strict mandate of the PPGCL Policy, but has always emphasised towards protection of Environment while complying with the statutory norms.

A true copy of the PPGCL Policy dated 01.04.2022 is annexed here with and marked as **ANNEXURE R5/5**.

12.2. Drawing strength from the PPGCL Policy, and in order to comply with the same, PPGCL had entered into the Contract with the Contractor for the sole purpose of Excavating, Loading, Transporting and Stowing of Ash in Low Land Area/ Mine. The same is also evident from the terms and conditions of the Contract dated 27.01.2022. (*Supra*).

12.3. In addition to the above submissions, it is submitted that during the power generation process, Fly Ash and bottom Ash is generated by the burning of coal. With regards to the same, it is also relevant to mention herein the steps taken by PPGCL for disposal of Fly Ash:-

- (a) PPGCL has duly installed separate facilities for the collection of Fly Ash and bottom Ash.

(b) The Fly Ash is collected in silos and bottom Ash in the form of slurry is conveyed to Ash pond through pipelines.

13. Therefore, in the light of the facts and circumstances stated above, it is most respectfully prayed that this Hon'ble Tribunal may be pleased to dispose the present OA *qua* PPGCL.

FILED BY



SKV LAW OFFICES

Advocates for Respondent No. 5/PPGCL
B-50, Defence Colony, New Delhi-110024

Phone: 011-47099999

Email: lawyers@skvlawoffices.com

Place: New Delhi

Date: 20.03.2023

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,

PRINCIPAL BENCH AT NEW DELHI

ORIGINAL APPLICATION NO. 364 OF 2022



IN THE MATTER OF :-

Ram Kailash Singh

... Applicant

Versus

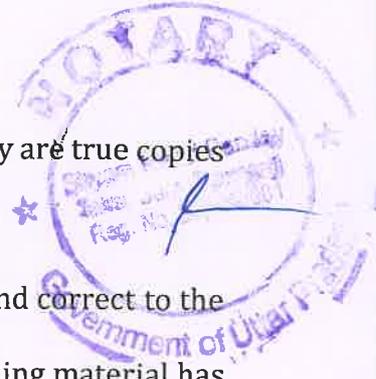
State of U.P & Ors

... Respondents

AFFIDAVIT

I, Ashok Kumar Panda, aged about 56 years, son of Nrushigha Chandra Panda, resident of C2/1, Prayag Vihar, PPGCL, PO - Lohgara, Tehsil - Bara, Pin - 212107 Authorised Representative of Respondent No. 5 i.e. M/s Prayagraj Power Generation Company Ltd ("**Respondent No. 5/ PPGCL**", having its office at PO - Lohgara, Tehsil - Bara, Pin - 212107 , do hereby solemnly affirm, declare and state on oath as under:-

1. I am duly Authorised Representative of Respondent No. 5 Company in the instant Original Application and as such I am well conversant with the facts and circumstances of the present case, based on the information and knowledge as derived from the records maintained by the Respondent No. 5 in its ordinary course of business .
2. That I have read the accompanying Reply and I say that the same has been drafted under my instructions, and that the contents therein are true and correct to the best of my knowledge and belief.



- 3. That the Annexures filed along with the accompanying Reply are true copies of their respective originals.
- 4. That the facts stated above in the above affidavit are true and correct to the best of my knowledge. No part of the same is false and nothing material has been concealed therefrom.

Handwritten signature

DEPONENT

VERIFICATION

I, the deponent above named do hereby verify that the contents of this affidavit are true and correct to the best of my knowledge and belief, no part of it is false and nothing material has been concealed therefrom.

Verified at Prayagraj on this 16th day of March, 2023.

Handwritten signature

DEPONENT

Ashek Kumar Pandey
 by the _____ Clerk
 in date _____
 Composed & verified that the contents of this affidavit are true and correct.
 HYAM BHARI DANDE
 Notary
 Prayagraj



क्षेत्रीय कार्यालय, उत्तर प्रदेश प्रदूषण नियंत्रण बोर्ड
REGIONAL OFFICE, U. P. POLLUTION CONTROL BOARD

आवास विकास परिषद कालोनी, सेक्टर-10, योजना संख्या-3, झूंसी, प्रयागराज - 221506
Avas Vikas Parishad Colony, Sector-10, Scheme No. 3, Jhunsi, Prayagraj,

roprayagraj@uppcb.in

संदर्भ सं०... 900395 / O.A No. 364/22/2022

दिनांक.. 28/07/2022

To,

E-Mail/Registered Post

The Registrar,
The National Green Tribunal
Principal Bench,
New Delhi
E-Mail-judicial-ngt@gov.in

Subject:- Compliance of direction issued by Hon'ble National Green Tribunal in Original Application 364/2022 Ram Kailash Singh Vs. State of U.P. in order dated 23-05-2022.

Sir,

With reference to the subject mentioned above, this is to inform you that in compliance of order issued on 23-05-2022 by Hon'ble National Green Tribunal in Original Application 364/2022 Ram Kailash Singh Vs. State of U.P. The compliance report is submitted for your kind perusal and necessary action please.

Encl:-As Above.

Your Sincerely


28/7/22

(R. K. Singh)
Regional Officer

Copy to:-

1. Member Secretary, U.P. Pollution Control Board Lucknow for information.
2. District Magistrate, Prayagraj for information.
3. Chief Environmental Officer (Circle-2), U.P. Pollution Control Board Lucknow for information.
4. Chief Law Officer, U.P. Pollution Control Board Lucknow for information.
5. Sri Pradeep Misra, Advocate Hon'ble Supreme Court/NGT, New Delhi for perusal and necessary action please.


28/7/22

Regional Officer


TRUE COPY



Joint Inspection Report
on
The matter of Original Application No. 364/2022 in the name of Shri Ram Kailash Singh V/s State of U. P.

Background:

In pursuance of the Hon'ble NGT order dated 23.05.2022, Joint Committee was constituted comprising representative of Ministry of Environment Forest and Climate Change (MoEF & CC), Integrated Regional Office (IRO), Lucknow, Central Pollution Control Board Regional Directorate (CPCB- RD), Lucknow, State Pollution Control Board (SPCB), Regional Office, Prayagraj, Additional District Magistrate (ADM), Prayagraj. Joint Committee had meeting on 20.07.2022 at Regional Office of UPPCB, Prayagraj, in which all members has been participated and decided to visit the site on 21.07.2022 to find out the factual status of the issued raised by the complaints.

During site visit committee interacted with representative of M/s Prayagraj Power Generation Company Limited (PPGCL), representative of mine owner and complaints.

A. Following observation has been made during visit:

1. As complaint pointed out about the National Thermal Power Corporation (NTPC), which is not found in this area. Instead of NTPC M/s Prayagraj Power Generation Company Limited (PPGCL), Bara Prayagraj found operating and linked with the abandoned mines in question for disposal of bottom ash, as mention in the Hon'ble NGT order dated 23.05.2022.
2. Committee also contacted Shri Ram Kailash Singh (The Complainant) and verified his Aadhar Card and discuss the matter. Shri Ram Kailash Singh clearly stated that he did not file this complaint. Shri Singh also handed over affidavit to committee (copy of affidavit enclosed as **annexure A**).
3. M/s Prayagraj Power Generation Company Limited (PPGCL), Bara, Distt. Prayagraj commissioned 3x660 megawatt Power Plant, which is major source of ash generation in this area. M/s PPGCL has given work order for the disposal of the bottom ash in the abandoned mine void to M/s Ram Raj Singh, Bhu khand No. 180, Pure Baijnath, Bara Prayagraj (Copy of the work order enclosed as **annexure B**). Smt. Ramrati Devi w/o Sh. Devraj Singh has authorized to Sh. Ram Raj Singh to use her mine for disposing the ash (**annexure C**). Accordingly, the disposal activity started after due permission from respective regularly authority by Sh. Ram Raj Singh, Bhukhand No. 180, Pure Baijnath, Bara Prayagraj {vide UPPCB letter no. CTO vide 144771/UPPCB/Allahabad

(UPPCBRO)/CTO/water/PRAYAGRAJ/2021 dated 18.12.2021, which is valid up to 31.07.2023 and UPPCB vide letter no. CTO vide 144766/UPPCB/Allahabad (UPPCBRO)/CTO/air/PRAYAGRAJ/2021 dated 18.12.2021, which is valid up to 31.07.2023}.

4. As per the Hon'ble NGT order dated 23.05.2022 the complainant has raised the issue for dumping of fly ash in water resources filled with 80 feet by NTPC in Ginj Pure Baijnath, Police station Bara, District Prayagraj, which is violation of the EPA Act and causing the damage to the Environment and posing serious health hazard in habitant. Accordingly, Joint committee interacted with the local habitant to find the fact about health hazard being caused due to dumping of the ash in the abandoned mine. (List of the local habitant with whom joint committee interacted enclosed as **annexure D**). None of them raised any significant issue related to health as well as environmental pollution linked with the disposal of Ash.
5. Joint committee also interacted with the Superintended, Community Health Centre (CHC), Shankargarh, Prayagraj. He informed that no significant health issues reported among the habitant since last one years due to air and water pollution exposure to the habitant (copy of letter enclosed as **annexure E**)
6. District Environmental Secretariat, Prayagraj granted Environmental Clearance (EC) vide letter no. 436/Prayagraj (DEIAA) 582/2017-18 dated 27.05.2017 in the name of Smt. Ramrati Singh w/o Shri Deviraj Singh, Tehsil Bara, District Prayagraj. As per the environmental clearance (EC) the total area of the above project is 2.02 hectare (copy of EC issued by DEIAA, enclosed as **annexure F**)

B. Factual status at site:

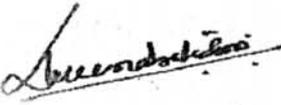
1. Details layout indicating location of M/s PPGCL, Prayagraj, abundant mine, irrigation canal & other details are shown in map is enclosed as **annexure G** for reference and record.
2. As per information provided by PPGCL around 1800 ton/day bottom ash being generated and work order has been given to M/s Ram Raj Singh, Bhukhand No. 180, Pure Baijnath, Bara Prayagraj for disposal of 2,00,000 metric tons of bottom ash in to his abandoned mine. Out of which 55,000 metric ton has dispatched by PPGCL for disposal to the M/s Ram Raj Singh, Bhukhand No. 180, Pure Baijnath, Bara Prayagraj, which has been disposed on abandoned mine for filling the undulated area of the mine as well as developing the approach road within the abandoned mine.

3. As per site visit committee has found that approximate 20% of the abandoned mine area has already been filled by dumping of ash (bottom ash) and it is also shown in Google map taken on two different dates i.e. before dumping bottom ash in the mines (**Annexure H(A)**), and after dumping of bottom ash started in the mines as on (**Annexure H(B)**) enclosed for reference.
4. As per the discussion had with M/s PPGCL, Prayagraj and Sh. Ram Raj Singh (Mineowner), it is found that total depth of the mine is approximately 100 feet and almost 50% mine is filled with the rain water. It is estimated that approx. 2-2.5 lakh meter cubewater stored in mine. (Photographs 1,2,14).
5. Committee also noticed that the M/s Ram Raj Singh, Bhukhand No. 180, Pure Baijnath, Bara Prayagraj used significant quantity of soil for conditioning the bottom ash dumped area for the development of green belt in one side abandoned mine and planted various saplings, it seems the above sapling has been planted recently before site visit of the joint committee (photographs 4,5,18).
6. The work order issued on dated 27.01.2022 by the PPGCL in the name of M/s Ram Raj Singh, Bhukhand No. 180, Pure Baijnath, Bara Prayagraj, for dumping of ash (bottom ash). The dumping of bottom ash has been stopped recently before committee visit, due to intervention of local administration (Copy of letter is attached as **annexure I**) as complaints has filed the case in Hon'ble NGT.
7. The photographs taken during visit are annexed as **annexure J** for reference.

C. Recommendation:

1. Approach road for transportation of the ash to the abandoned mine shall be constructed appropriately to avoid air pollution,
2. M/s Ram Raj Singh, Bhukhand No. 180, Pure Baijnath, Bara Prayagraj must ensure that the vehicle used for the transportation of the ash must have valid PUC, fitness certificate and appropriately covered to avoid air pollution,
3. Water sprinklers must be deployed to ensure to prevent the re-suspension of the road dust and prevent the air pollution in to the surrounding area due to movement of vehicles.
4. As concerned of the matter of the compliant and prevention of the environmental pollution the dewatering of abandoned mine to be carried out at the cost of the M/s Ram Raj Singh, Bhukhand No. 180, Pure Baijnath, Bara Prayagraj and evacuated water must be discharge in the nearby irrigation canal which is meeting to river Belanand ultimately confluence with river tons, after traversing the substantial distance.

5. M/s Ram Raj Singh, Bhukhand No. 180, PureBaijnath, Bara Prayagraj must ensure the ash should not be dumped in the abandoned mine until it gets completely dewatered to avoid further contamination of the water, which is recommended for disposing in to the nearby natural water bodies through the canal, and it is approximately 250 meter away from the abandoned mine in question.
6. M/s Ram Raj Singh, Bhukhand No. 180, PureBaijnath, Bara Prayagraj must ensure the proper implementation of the mine closure plane, which is one of the conditions of Environmental Clearance (EC) issued to them.
7. For the optimum utilization of the water resources M/s Ram Raj Singh, Bhukhand No. 180, PureBaijnath, Bara Prayagraj must de-water the abandoned mine only during lean season.

 R. K. Singh Regional Officer, UPPCB Prayagraj	 Harsh Dev Pandey ADM-Prayagraj
 Dr A.K. Gupta Scientist E IRO-MOEF&CC, Lucknow	 Dr D.K. Soni Scientist E Regional Office-Lucknow, CPCB



सत्यमेव जयते

ANNEXURE A

INDIA NON JUDICIAL

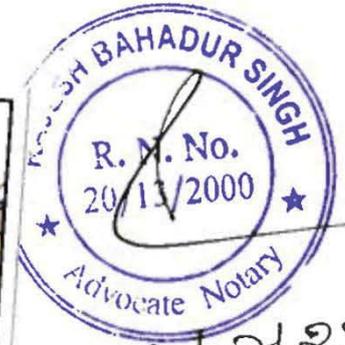
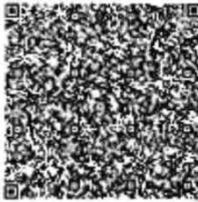
Government of Uttar Pradesh

Signature
ACC No. - UP14217404
Prayagraj Sadar - 221012, Dist. Prayagraj, Prayagraj
Phone No. - 8848018910
Licence No. - 352, Tahsil & District - Prayagraj

192

e-Stamp

Certificate No.	: IN-UP47941775675169U
Certificate Issued Date	: 21-Jul-2022 08:01 AM
Account Reference	: NEWIMPACC (SV)/ up14217404/ PRAYAGRAJ SADAR/ UP-AHD
Unique Doc. Reference	: SUBIN-UPUP1421740488104396701478U
Purchased by	: RAM KAILASH SINGH SON OF SHRI RAM SAJEEVAN SINGH
Description of Document	: Article 4 Affidavit
Property Description	: AFFIDAVIT AS PER DOCUMENT
Consideration Price (Rs.)	:
First Party	: RAM KAILASH SINGH SON OF SHRI RAM SAJEEVAN SINGH
Second Party	: Not Applicable
Stamp Duty Paid By	: RAM KAILASH SINGH SON OF SHRI RAM SAJEEVAN SINGH
Stamp Duty Amount(Rs.)	: 100 (One Hundred only)



21/07/22

Please verify the details below this line

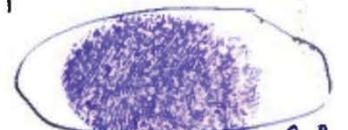
शपथपत्र

समक्ष,

श्रीमान् अध्यक्ष महोदय,
राष्ट्रीय हरित अधिकरण,
फरीदकोट हाउस कापर निकस मार्ग,
नई दिल्ली-110001

शपथपत्र मिनजानिब राम कैलाश सिंह पुत्र राम सजीवन सिंह निवासी

ग्राम-गीज पूरे बैजनाथ थाना व तहसील बारा, जिला प्रयागराज।



राम कैलाश सिंह

मैं शपथकर्ता उपरोक्त बहलफ निम्नलिखित बयान करता हूँ:-

1. यह कि शपथकर्ता उपरोक्त पते का स्थायी निवासी है।
2. यह कि शपथकर्ता के उपरोक्त पते के नाम से किसी ने फर्जी शिकायत की है। मेरे द्वारा कोई शिकायत नहीं की गयी है।
3. यह कि उपरोक्त पते के नाम से फलाई-एस गिराने के सम्बन्ध में किसी व्यक्ति ने मेरा फर्जी हस्ताक्षर बनाकर दिनांक 28.03.2022 को एक शिकायत प्रेषित किया है जो कि पूर्णरूपेण से गलत एवं फर्जी है।
4. यह कि उक्त के सम्बन्ध में हमने कोई शिकायत नहीं किया है।
5. यह कि मौजा पूरे बैजनाथ में जिस खदान को पाटा जा रहा है व जरूरी है और नितान्त आवश्यक भी है।
6. यह कि मैं पढ़ा लिखा नहीं हूँ, मैं हस्ताक्षर करना नहीं जानता हूँ।

मैं शपथकर्ता उपरोक्त बहलत धर्म से तसदीक करता हूँ कि मजमून शपथपत्र की धारा 1 लगायत 6 मेरी निजी जानकारी में सब सच व सही है इसमें न कुछ झूठ है और नही कोई बात छिपायी गयी है। ईश्वर मेरी मदद करें।



दिनांक :- 21.07.2022

२१/०७/२२

शपथकर्ता
राम कैलाश सिंह
जीला पूरे बैजनाथ
खानावतखीला - वाराणसी
प्रिया - प्रभाग राज

SOLEMNLY AFFIRMED before me

On.....

/Snr.....

Identified by.....

Advocate by.....

true and correct. My faith is here by

Verified and attested

Sl. No.....

R. B. Singh

Advocate/Notary

Prayagraj

Sig. Attested

R. B. Singh

Notary Adv.

C. C. Prayagraj

२१/०७/२२

२१/०७/२२

AFFIDAVIT

BEFORE THE CHAIRMAN, NATIONAL GREEN TRIBUNAL, FARIDKOT HOUSE COPERNICUS
MARG, NEW DELHI-110001

Affidavit of Ram Kailash Singh son of Ram Sajivan Singh R/o Village Geenj Pure
Baijnath Thana and Tehsil Bara, Prayagraj.

I Deponent make following statement on oath :

1. That the Deponent is permanent resident of above address.
2. That somebody has made a bogus complaint from the name and address of deponent.
3. That somebody has forged my signature for dumping fly ash on 28.3.2022 which is absolutely forged and wrong.
4. That I have not made any complaint in this regard.
5. That village Purey Baijnath is being leveled and the same is necessary also.
6. That I am not literate person and do not know how to sign.

I deponent verify on oath that the contents of para 1 to 6 of above affidavit are true and correct. No part of it is false and nothing material is suppressed.

May God help me.

Date 21.7.2022

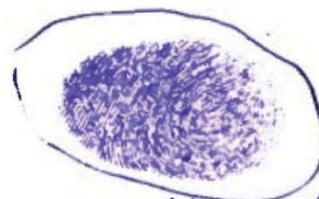
Sd/-
Ram Kailash Singh
Geenj Pure Baijnath Thana Bara
Distt Prayagraj

भारत सरकार
Government of India

आधार
Aadhaar

Download Date: 20/07/2022

मेरा आधार, मेरी पहचान



राम लक्ष्मण सिंह

भारत सरकार
Unique Identification Authority of India

आधार
Aadhaar

पता:
Address:



1947 | help@uidai.gov.in | www.uidai.gov.in

ANNEXURE B

WORK ORDER

VENDOR DETAILS	ORDER DETAILS
Vendor Code : 160000050 RAMRAJ SINGH AKAURIYA, BARA PRYAGRAJ: 212107,India Attn : Tel : E-mail : Vendor GST No.: Vendor PAN No.	Work Order Ref : 6000000768 Date : 27.01.2022 Currency : INR Company Representative : Mr. AKSHAY KUMAR Email : akshay.kumar@ppgcl.co.in Our Reference No : Contractor's Quote reference : OLA Reference No :- NA Company GST No.:09AAECP2746B1ZM

Excavation, Loading, Transporting and Backfilling of Abandoned Mine Outside Plant Premises

The Work Order constitutes Company's offer to Contractor upon the terms and conditions stated herein and shall become a binding Contract, when it is accepted either by Contractor's acknowledgement or performance. The Work Order expressly limits acceptance to the terms and conditions stated herein. Any additional or different terms or conditions proposed by Contractor are objected to and hereby rejected, including without limitation, Contractors quotation or acknowledgement forms. Any reference in the Work Order to Contractors quotation or proposal does not imply acceptance of any terms or conditions in that quotation or proposal. It is important that Contractor signs and returns the Work Order copy within (3) days of receipt. No other forms of acceptance will be accepted. Failure to return the acceptance does not diminish the responsibilities as set forth herein, but may result in delay to any payment that may be due to and may be a cause of termination of this Work Order.

TOTAL ORDER VALUE (Exclusive of all taxes, levies and duties) : INR 3,42,00,000.00.

In words: (Rupees Three crore forty two lakh only).

For Prayagraj Power Gn.Co.Ltd	CONTRACTOR'S ACCEPTANCE
Signature:  Name: Approver Name : BRAJESH SINGH Designation : ALL	Signature: _____ Name: Designation :
This Purchase Order/Contract will be executed / suspended and,managed till Contract completion/commissioning of the work by order Manager (details below): Order Manager: Mr. Rahul Sangale 	

WORK ORDER DETAILS

WORK ORDER REF : 6000000768

PRICE SCHEDULE

Item No.	HSN/SAC Code	Service Description	Qty	UOM	Unit Price	Amount
10	996511(5)	Ash Lifting From Dyke 1/2 Dump to IN: Central GST -ND 2.5 % IN: State GST -ND 2.5 %	1.000	AU	3,42,00,000.00	34200000.00

This item includes the following services:

S.No	HSN/SAC Code	Service Code	Service Description	Qty	UOM	Unit Price	Amount
10.10	996511(5)	4010605	CISE, LIFTING FLY ASH	200,000	MT	171.00	3,42,00,000.00
Total Order Value (Exclusive of all taxes, levies and duties)							3,42,00,000.00

Total Order Value : Rupees Three crore forty two lakh only (Exclusive of all taxes, levies and duties).

COMMERCIAL CONDITIONS**1. Scope :**

Detail scope of works is enclosed as annexure 1

2. Price Basis :

This is a unit rate contract with all the services to be delivered at PPGCL site with inclusive of deployment of heavy machinery, tools & tackles, consumable like diesel for means of transport, spares incl. soft spares for bidder's own machinery and requisite and trained resources including cost of mobilization and de mobilization. The prices shall remain firm and fixed during the Contract Period and no variation of any kind (except statutory variations taxes & duties as provisioned in the GCC) shall be admissible.

All the expenses related to environmental non-compliance and for any other non-compliance task, shall be beared by bidder. No additional charge shall be payable beyond agreed charges.

3. Completion Schedule/Service to be performed at :

The Effective Date (ED) of Contract shall be the date of issue of LOI/PO whichever is earlier. The Contract shall be for lifting of 2.0 Lakh MT of ash within 2 months including mobilization from Commencement Date. Bidder has agreed to mobilize Site completely with requisite and trained resources within 15 days of Effective Date. The date of full mobilization at Site shall be treated as Commencement Date and submission of RA bills post commencement date shall be considered for payment.

4. Payment Terms :

30 days From GR date w/o Retention

Bidder will raise their RA based on executed work after every 15 days in the month. (i.e max 2 no. of RA bills). Payment due to bidder shall be made on 30 days credit term basis from the date of receipt of commercially clear and error-free invoices to be submitted with RA bills duly certified by the Officer-in-Charge for having performed the services satisfactorily. All payments due to the bidder shall be made only after deduction of LDs / TDS etc. as applicable terms.

Either BG or retention @10% shall be retained.

5. Taxes and Duties :

Quoted prices are excluding only GST which shall be payable extra as per applicable rates, current rate being 5%. No other taxes, duties, cess etc. payable and shall be deemed to be included in the price mentioned above.

6. Anti Profiteering Clause:

Notwithstanding anything contained in the Contract, in the event of introduction of any new legislation or any change or amendment or enforcement of any Act or Law, or any change in the interpretation by the Supreme Court of India of any said Act or law, rules or regulations of Government of India or State Government(s) or Public Body which becomes effective after the bid date to the completion of work including defect liability period, if any, which results in any decrease in the cost of the works through reduced liability of taxes & duties, increase in the input tax credits, the Supplier shall pass on the benefits of such reduced cost, taxes or duties to Prayagraj Power Gn.Co.Ltd to the extent which is directly attributable to such introduction of new legislation or change or amendment as mentioned above as per Anti-profiteering Rules, 2017, hereby, "Tax" or "tax" shall include taxes, duties, levies, cess and similar imposts by whatever name called whether in the nature of Indirect Tax or direct taxes and whether or not imposed by the Central government, state government, local or municipal authority or any other statutory body

7. Compliance of Local Laws:

The Contractor shall be fully responsible for the due compliance by him and his sub-contractors with all statutory requirements and with all applicable labour laws including Contract Labour Abolition and Regulation Act, Workmen's Compensation Act, P.F./E.S.I., Labour welfare fund, Act, etc. as may be applicable to the Contractor, the sub-contractors and their employees. The locations where Allied Manpower Management System (On-line system) has been implemented, the Contractor shall ensure necessary declarations and documents are provided in the system, as per the role of the Contractor envisaged in the system.

The Contractor should get in touch with the local HR/IR/ES&A teams for completion of Statutory compliances before start of the work. The contractor should also ensure that he provides correct and complete PF compliance data for a wage month in the format provided by the HR/IR/ES&A teams on or before 15th of the subsequent month, failing which penalty of 1% of the value of the Invoice, per day of delay would be deducted from the invoice raised. Further, the management will also have a right to suspend the work in case of delay in submitting the PF data.

All other compliances required by HR/IR/ES&A teams should also be provided as per timelines.

The Contractor shall fully indemnify and save harmless the Owner from and against all claims, demands, expenses, losses, liabilities, charges, actions, suits and proceedings whatsoever including claims under aforesaid Acts and laws which may be brought or made against the Owner, its Officers or servants by reason or in consequence of any matter or thing done or omitted or delaying the submission of data by the Contractor and/ or its sub-contractors and all costs, charges and expenses which may become payable by the Owner in respect thereof.

8. Performance Parameters & Deductions due to non compliance :

Bidder agreed to liquidated damages for shortfall in performance / SLAs If the average evacuation & lifting is less than 4000 MT / day, 1% LD would be applicable for every 1% reduction in average evacuation with max capped at 10%.

9. Order Manager :

This order shall be managed by Mr. Rahul Sangale from Owner. You are requested to contact him/her for further queries related to execution.

10. Contract Performance Bank Guarantee :

Bidder agreed to submit within 15 days of Effective Date an unconditional irrevocable bank guarantee toward contract performance payable on demand duly stamped strictly as per the prescribed format of PPGCL for a sum equivalent to 10% of the Contract Price valid for the Contract Period and with a claim period of not less than 6 months beyond the expiry of Contract Period. Equivalent amounts shall be retained from bills in case of non-submission of BG within 15 days of ED. BG amount shall be forfeited against non-performing/completion of job.

WORK ORDER DETAILS

WORK ORDER REF : 600000768

11. Order of Precedence :

In the event of conflict between the provision of this order along with its attachments and annexure, the following order of precedence shall apply so that the conflicting provision(s) in the document lower in the order of precedence set out below shall give way to the conflicting provision(s) in the document higher in the order of precedence, namely:

1. Work Order (with 'Commercial Conditions')
2. Special Terms and conditions
3. General Terms and conditions
4. Technical Specification

12. Modifications to the General Conditions of Contract :

1. Bidder agreed to liquidated damages for shortfall in performance / SLAs If the average evacuation & lifting is less than 4000 MT / day, 1% LD would be applicable for every 1% reduction in average evacuation with max capped at 10%.

2. Bidder agreed to submit within 15 days of Effective Date an unconditional irrevocable bank guarantee toward contract performance payable on demand duly stamped strictly as per the prescribed format of PPGCL for a sum equivalent to 10% of the Contract Price valid for the Contract Period and with a claim period of not less than 6 months beyond the expiry of Contract Period. Equivalent amounts shall be retained from bills in case of non-submission of BG within 15 days of ED. BG amount shall be forfeited against non-performing/completion of job.

3. Bidder shall take all necessary insurances of adequate value to cover all its manpower / material / resources including 3rd party general liability insurance / workmen compensation policy as applicable. In the event of any loss or damages or any accident etc., Bidder shall make all claims directly with his insurer. Any difference between the claims settled and the actual value of loss shall be borne by Bidder. Bidder will bear the additional costs for replacements if any and ensure timely delivery as mutually agreed.

4. Bidder shall arrange for boarding & lodging of all personnel outside the plant premises at his own cost. The quoted prices are deemed to be inclusive of boarding & lodging, travel costs, local conveyances of any nature and no separate payment on any of these accounts admissible.

5. Bidder has agreed to comply with all Safety Terms and Conditions of PPGCL annexed to the GCC while working inside PPGCL premises. All PPEs as per the work / job scope requirement shall be provided by Bidder at his own cost.

6. Bidder confirmed that he has the PF & ESI registration and will comply with all statutory requirements and submit documentary evidence towards the same. This will include monthly wages register, PF & ESI challans for demonstrating compliance for minimum wages, PF & ESI for each individual employee in accordance with the wage register. The compliance statement with supporting challans will be submitted every month as per the deadlines prescribed by PPGCL. PF, ESI & other statutory compliance of the previous month must be attached with the Invoice of any given month for release of service payments.

7. The service provider shall get itself registered under Acts/rules as may be applicable and shall obtain/renew its licenses, if required within the contract period of this agreement and a copy of the same will be provided to PPGCL record. Renewed copy of the said licences as applicable shall be submitted within 7 days of its due date to the concerned person in HR & IR personnel.

8. Bidder confirmed acceptance to all clauses of Special Conditions of Contract (SCC). Bidder also confirmed acceptance to PPGCL General Conditions of Contract – Supplies and PPGCL General Conditions of Contract – Services as applicable.

a) No-Objection Certificate (NOC) to be submitted by bidder issued by Up Pollution Control Board before mobilization/ execution of contract.

b) Bidder will manage all the lightening, DG set arrangement for execution of works.

c) Repair and maintenance of bidder's machinery and equipment shall be in bidder scope. All the spares and consumable which will go inside the bidder's machinery shall be managed by bidder.

d) Ash shall be weighted and measures at installed in motion weigh at inside plant near to material gate. In case of non-functional of running weigh bridge, PPGCL will also allow the weigh bridge installed near 50KT silo.

e) Loading of ash on each vehicle shall be under permissible limits formulated by UP Govt. RTO guidelines.

13. Annexure

Scope of works

S.No	HSN/SAC Code	Service Code	Short Description	Long Description	Qty	UOM	Delivery Date
------	--------------	--------------	-------------------	------------------	-----	-----	---------------

WORK ORDER DETAILS

WORK ORDER REF : 600000768

S.No	HSN/SAC Code	Service Code	Short Description	Long Description	Qty	UOM	Delivery Date
10.10	996511(5)	4010605	CISE, LIFTING FLY ASH	CISE, LIFTING FLY ASH	200,000	MT	14.02.2022

ANNEXURE C

NAME ANKIT JAISWAL
ACC Code 14109904
ACC ADD : 593 MUTTHIGANJ, PRAYAGRAJ
LICENCE NO.: 818
SADAR, PRAYAGRAJ

अंकित जायसवाल

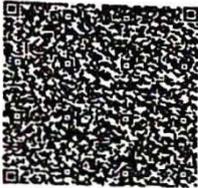


सत्यमेव जयते

INDIA NON JUDICIAL Government of Uttar Pradesh

e-Stamp

Certificate No.	: IN-UP43608362354865T
Certificate Issued Date	: 24-Nov-2021 02:03 PM
Account Reference	: NEWIMPACC (SV)/ up14109904/ ALLAHABAD/ UP-AHD
Unique Doc. Reference	: SUBIN-UPUP1410990477176653263812T
Purchased by	: RAMRAJ SINGH
Description of Document	: Article 4 Affidavit
Property Description	: Not Applicable
Consideration Price (Rs.)	:
First Party	: RAMRAJ SINGH
Second Party	: Not Applicable
Stamp Duty Paid By	: RAMRAJ SINGH
Stamp Duty Amount(Rs.)	: 10 (Ten only)



24-11-2021

-----Please write or type below this line-----

समक्ष,

श्रीमान् मुख्य कार्यकारी अधिकारी (सी०ई०ओ०)
पी०पी०जी०सी०एल० कम्पनी, बारा, जनपद प्रयागराज ।

शपथपत्र भिनजानिब रामराज सिंह पुत्र देवराज सिंह निवासी ग्राम अकौरिया तहसील
बारा जनपद प्रयागराज ।

मैं शपथकर्ता उपरोक्त बहलफ निम्नलिखित बयान करता हूँ-

रामराज सिंह

Statutory Alert:

1. The authenticity of this Stamp certificate should be verified at 'www.shcilestamp.com' or using e-Stamp Mobile App of Stock Holding. Any discrepancy in the details on this Certificate and as available on the website / Mobile App renders it invalid.
2. The onus of checking the legitimacy is on the users of the certificate.
3. In case of any discrepancy, please inform the Competent Authority.

1. यह कि श्रीमती रामरती देवी पत्नी देवराज सिंह निवासिनीग्राम अकौरिया तहसील बारा जनपद प्रयागराज को ग्राम पूरेवैजनाथ तहसील बारा जिला प्रयागराज में स्थित भूखण्ड संख्या-180 रकवा 5 एकड़ का गिट्टी, बोल्डर, खनन पट्टा दिनांक-26.11.2014 से 25.11.2021 तक की अवधि तक के लिए प्राप्त हुआ था जिसकी अवधि समाप्त हो गयी है। उक्त खदान की भराई, समतलीकरण, वृक्षारोपण का कार्य कराया जाना है।
2. यह कि श्रीमती रामरती देवी ने आपकी पीपीजीसीएल कम्पनी, बारा, जनपद प्रयागराज में से एस हटाने के टेण्डर का आवेदन किया है।
3. यह कि शपथकर्ता को श्रीमती रामरती देवी द्वारा जरिये मुख्तारनामा खास दिनांक-23.11.2021 के माध्यम से प्रश्नगत कार्य को कराने तथा उसके सम्बन्ध में सभी कार्यवाही को करने के लिए अधिकृत किया गया है। श्रीमती रामरती देवी शपथकर्ता की माता हैं। (मुख्तारनामा खास की छायाप्रति संलग्न है।)
4. यह कि उक्त खदान में लगभग 50 फीट गहराई में बरसात का पानी भरा हुआ है।
5. यह कि खदान के क्षेत्र में भू जल स्तर बहुत नीचे है। खदान में बरसात का पानी ही भर जाता है।
6. यह कि उक्त खदान में भरे बरसात की पानी को निकाल करके ही शपथकर्ता खदान की भराई, समतलीकरण तथा वृक्षारोपण का कार्य करेगा।
7. यह कि खदान का पानी निकालने व उसकी भराई करते समय पर्यावरण को कोई नुकसान नहीं होने दिया जायेगा तथा यह भी ध्यान रखा जायेगा कि आस पास में किसी भी प्रकार से कोई प्रदूषण न हो और पर्यावरण पूरी तरह से सुरक्षित बना रहे।
8. यह कि शपथकर्ता द्वारा खदान में भरे जल की निकासी तथा खदान की भराई करते समय उसमें कार्य करने वाले कर्मचारी व आस पास के पशु-पक्षियों व जीव जन्तुओं की सुरक्षा व पर्यावरण को किसी प्रकार से नुकसान नहीं होने दिया जायेगा। और प्रदूषण को नहीं फैलने दिया जायेगा। तथा प्रदूषण से पूर्णतया सुरक्षित रखा जायेगा।
9. यह कि शपथकर्ता उपरोक्त कार्य करते, कराते समय पर्यावरण को पूर्ण रूपेण सुरक्षित रखेगा।

मैं शपथकर्ता उपरोक्त बहलफ तस्दीक करता हूँ कि शपथपत्र की धारा 1

लगायत 9 मेरी निजी जानकारी में सच व सही है इसमें न कुछ झूठ है और न ही

24-11-2021
 24-11-2021
 श्री/श्रीमती
 Ramraj Singh
 दिनांक-24.11.2021
 M.K. Pandey

Ramesh Chandra
 Advocate
 24-11-2021

24-11-2021
 Ramraj Singh
 M.K. Pandey

शपथकर्ता
 रामराज सिंह

मोबां 888765569

BEFORE CHIEF EXECUTIVE OFFICER

PPGCL Company, Bara,

Prayagraj

AFFIDAVIT ON BEHALF OF RAM RAJ SINGH S/O DEVRAJ SINGH RESIDENT OF
VILLAGE AKAUIRIA TEHSIL BARA, PRAYAGRAJ

I Deponent makes the following statement on oath :

1. That Smt. Ram Rati Devi W/o Devraj Singh R/o Akauria Tehsil Bara, District Prayagraj refer to the Mining lease which was approved for village Pure Baijnath Tehsil Bara, Prayagraj for plot No. 180 area 5 acre for soil, boulder period from 26.11.2014 to 25.11.2019. The period of this lease is expired. The work of filling up mine, leveling, tree plantation is to be done.
2. That Smt. Ram Rati Devi has applied to your PPGCL company for removing fly ash from district Prayagraj.
3. That Deponent has been authorized through General Power of attorney on 23.11.2021 to get the work done and take all such actions. Smt. Ram Rati Devi is mother of Deponent. (Copy of Power of Attorney special is attached).
4. That due to rains, rainy water has been filled up upto 50 feet depth.
5. That in mining area, water level is much below. Rainwater itself fill the mines.
6. That to take out the rainwater from mining, Deponent shall work for filling up mines, leveling and tree plantation.
7. That no harm shall be caused to environment if the water is taken out and filled up. Environment shall remain safe, and no pollution shall be caused.
8. That while taking out water and filling up the mines Deponent shall not cause any harm to the birds, animals and nor any harm shall be caused to environment. Pollution shall not be allowed to spread.
9. That while doing the above work, environment shall be kept safe.

I deponent verify the above contents of para 1 to 9 which are true and correct to the best of my knowledge and belief. No part of it is false.

Date : 24.11.2021

DEPONENT

Sd/-

Ram Raj Singh

ANNEXURE D

1. विजय सिंह पुत्र स्व० रामनरेश सिंह
ग्राम-ललई (डोमहर) बारा, प्रयागराज
मो० नं०- 9129378544
2. पंकज कुमार पुत्र स्व० बृजलाल यादव
ग्राम-पुरे बैजनाथ, गींज, बारा, प्रयागराज
मो० नं०- 8052600152
3. समरजीत सिंह पुत्र राम प्रताप सिंह
ग्राम- पुरे बैजनाथ, ललई बारा, प्रयागराज
मो० नं०- 9165668589
4. धनंजय सिंह पुत्र अशोक कुमार सिंह
ग्राम- पुरे बैजनाथ, ललई बारा, प्रयागराज
मो० नं०- 8953125615
5. बलवीर सिंह पुत्र सुरेश सिंह
ग्राम- पुरे बैजनाथ, बारा, प्रयागराज
मो० नं०- 9793782956
6. सुधान्शु सिंह पुत्र बलवीर सिंह
ग्राम- पुरे बैजनाथ, बारा, प्रयागराज
मो० नं०- 9198642155
7. राकेश कुमार पुत्र जगदीश
ग्राम- पुरे बैजनाथ, गींज, बारा, प्रयागराज
मो० नं०- 7897172515

1.	Vijay Singh son late Ramnaresh Singh Village – Lalai(Domhar) Bara, Paryagraj Mob. No. 9129378544
2.	Pankaj Kumar son of late Brijlal Yadav Village – Purey Baijnath, Geenj, Bara, Paryagraj Mob. No. 8052600152
3.	Samarjeet Singh son of Ram Pratap Singh Village – Purey Baijnath, Lalai Bara, Paryagraj Mob. No. 9165668589
4.	Dhananjay Singh Son of Ashok Kumar Singh Village – Purey Baijnath, Lalai Bara, Paryagraj Mob. No. 8953125615
5.	Balbeer Singh son of Suresh Singh Village – Purey Baijnath, Bara, Paryagraj Mob. No. 9793782956
6.	Sudhanshu Singh son of Balbeer Singh Village – Purey Baijnath, Bara, Paryagraj Mob. No.9198642155
7.	Rakesh Kumar son of Jagdish Village – Purey Baijnath, Bara, Paryagraj Mob. No. 7897172515

ANNEXURE E

कार्यालय सामुदायिक स्वास्थ्य केन्द्र, शंकरगढ़, प्रयागराज

पत्रांक-अधी0/सीएचसी/एनजीटी/2022-23/217

दिनांक - 27.07.2022

सेवा में,

मुख्य चिकित्सा अधिकारी

प्रयागराज।

विषय - एन0जी0टी0 के अन्तर्गत सिल्कोसिस सम्बन्धित मरीज के सम्बन्ध में।

महोदय,

सादर अवगत कराना है कि सामुदायिक स्वास्थ्य केन्द्र, शंकरगढ़, प्रयागराज के अन्तर्गत पानी एवं वायु प्रदूषण के अन्तर्गत सिल्कोसिस से सम्बन्धित कोई भी एपिडेमिक नहीं पाया गया है।

सादर सूचनार्थ प्रेषित।


Superintendent
C.H.C. Shankerga
Alahabad
सामुदायिक
स्वास्थ्यकेन्द्र
शंकरगढ़, प्रयागराज

OFFICE COMMUNITY HEALTH CENTER, SHANKARGARH, PRAYAGRAJ

Letter no./CHC/NGT/2022-23/217

Dt.:-27.07.2022

To,

Chief Medical Officer,
Prayagraj

Subject: Regarding the patient related to Silicosis under NGT

Sir,

It is to be informed with respect that no epidemic related to silicosis has been found under water and air pollution under Community Health Center, Shankargarh, Prayagraj.

Regard.

For information

Sd/-
Superintendent
C.H.C.
Shankargarh, Prayagrah.

ANNEXURE F

कार्यालय जिला पर्यावरण सचिवालय, इलाहाबाद

पत्रांक: 436 / पर्या0(डी0ई0आई0ए0ए0)-582 / 2017-18

दिनांक 23/ 5 / 2017

श्रीमती रामरती सिंह पत्नी श्री देवराज सिंह
नि0-अकोरिया, तहसील-बारा, इलाहाबाद

विषय: उपखनिज गिट्टी-बोल्डर खनन क्षेत्र ग्राम-पूरेबैजनाथ, तहसील-बारा, जनपद-इलाहाबाद के गाटा संख्या-180, रकबा-2.02 हे0 हेतु पर्यावरण स्वच्छता प्रमाण पत्र निर्गत करने के सम्बन्ध में।

उपर्युक्त विषयक अपने आवेदन पत्र दिनांक 20.03.2017 का सन्दर्भ ग्रहण करने का कष्ट करें, जिसे आपके द्वारा अध्यक्ष जिला स्तरीय पर्यावरण समाघात निर्धारण प्राधिकरण इलाहाबाद के कार्यालय में भारत सरकार की अधिसूचना दिनांक 15.01.2016 व दिनांक 20.01.2016 के क्रम में प्रस्तुत किया गया है। भारत सरकार की उपरोक्त अधिसूचना के अनुसार दिनांक 06.04.2017 को जिला स्तरीय विशेषज्ञ आंकन समिति की आयोजित बैठक में आपके उक्त आवेदन पत्र को विचार हेतु रखा गया जिसपर आपके प्रस्तावक/कन्सलटेन्ट द्वारा पूर्ण प्रस्तुति की गयी। आपके आवेदन पत्र एवं कन्सलटेन्ट द्वारा प्रस्तुत प्रस्तुति में अंकित तथ्यों के क्रम में डी0ई0ए0सी0 द्वारा उपखनिज/गिट्टी-बोल्डर के खनन के लिए पर्यावरण स्वच्छता प्रमाण पत्र जारी करने हेतु संस्तुति/सहमति प्रदान की गयी जिस पर डी0ई0आई0ए0 की बैठक दिनांक 23.05.2017 में निम्नलिखित शर्तों के अधीन पर्यावरण स्वच्छता प्रमाण पत्र जारी करने की अनुमति प्रदान की गयी है :-

शर्तें :-

1. यह पर्यावरण स्वच्छता प्रमाण पत्र उपखनिज गिट्टी-बोल्डर खनन क्षेत्र उपखनिज गिट्टी-बोल्डर खनन क्षेत्र ग्राम-पूरेबैजनाथ, तहसील-बारा, जनपद-इलाहाबाद के गाटा संख्या-180, रकबा-2.02 हे0 के लिए निर्गत किया जा रहा है।
2. खनन पट्टे की सम्पूर्ण अवधि अथवा अनुमोदित खनन योजना में घोषित रिजर्व 4,00,848.00 घन मीटर गिट्टी पत्थर का उत्पादन हो जाने (दोनों में से जो पहले घटित हो) तक के लिए पर्यावरण स्वच्छता प्रमाण पत्र मान्य होगा।
3. अनुमोदित खनन योजना के अनुसार खनन कार्य किया जायेगा।
4. अनुमोदित खनन योजना एवं प्रस्तावक द्वारा प्रस्तुत प्रस्तुति के क्रम में पर्यावरण को सुदृढ़ एवं सन्तुलित करने हेतु वृक्षारोपण करना व उनकी देखभाल करना अनिवार्य होगा।
5. उपखनिज गिट्टी-बोल्डर का खनन उपरोक्त भूमि से अनुमोदित खनन योजना के अनुसार अधिकतम 1,25,000.00 घन मीटर प्रतिवर्ष किया जा सकेगा।
6. खनन कार्य की अधिकतम गहराई अनुमोदित खनन योजना में स्वीकृत गहराई अथवा जलस्तर के पूर्व तक ही की जायेगी।
7. नेशनल पार्क एवं वन्यजीव अभ्यारण्य की सीमा से एक किमी0 की परिधि के भीतर खनन कार्य प्रतिबन्धित रहेगा।
8. खनन कार्य खनन योजना में उल्लिखित विधि से किया जायेगा तथा ड्रिलिंग/ब्लास्टिंग के पूर्व खान सुरक्षा निदेशालय की अनुमति प्राप्त किया जाना अनिवार्य होगा।
9. खनन कार्य सार्वजनिक स्थलों से 50 मीटर की दूरी पर किया जायेगा।
10. उ0प्र0 उपखनिज (परिहार) नियमावली-1963 एवं खान एवं खनिज (विकास एवं विनियमन) अधिनियम-1957 (यथासंशोधित) की शर्तों के अनुसार खनन कार्य किया जायेगा।
11. इस सम्बन्ध में केन्द्र/राज्य सरकार द्वारा समय-समय पर जारी शासनादेशों का पालन करना बाध्यकारी होगा।



सामान्य शर्तें :-

1. पर्यावरण एवं वन मंत्रालय के नोटिफिकेशन दिनांक 14.09.2006 में दिये गये निर्देशानुसार यदि उपरोक्त परियोजना की क्षमता बढ़ायी जायेगी तो पुनः उन क्षेत्रों के लिए पर्यावरण स्वच्छता प्रमाण पत्र प्राप्त किया जाना अनिवार्य होगा।
2. खनन कार्य में अनुमोदित खनन योजना का उल्लंघन पाये जाने की दशा में पर्यावरण स्वच्छता प्रमाण पत्र निरस्त कर दिया जायेगा।
3. खनन कार्य गिट्टी उत्पादन हेतु लगाये गये संयन्त्रों/मशीनों के लिए क्षेत्रीय अधिकारी प्रदूषण नियंत्रण बोर्ड के कार्यालय से वायु प्रदूषण एवं जल प्रदूषण की अनापत्ति प्राप्त किया जाना अनिवार्य होगा।
4. वायु की गुणवत्ता (RSPM, SPM, SO₂, NO_x) की रिपोर्ट प्रत्येक छः माह में D.E.I.A.A. एवं क्षेत्रीय अधिकारी प्रदूषण नियंत्रण बोर्ड, झूंसी, इलाहाबाद को प्रेषित करना अनिवार्य होगा।
5. उपखनिजों के लोडिंग/अनलोडिंग स्थल पर पानी के छिड़काव की व्यवस्था करना अनिवार्य होगा।
6. खनन कार्य में लगे मजदूरों के लिए सुरक्षा उपकरण जैसे-हेल्मेट, जूता, कान का प्लग, मास्क उपलब्ध कराना अनिवार्य होगा तथा उपरोक्त उपकरणों के उपयोग हेतु मजदूरों को प्रशिक्षित करना होगा।
7. मजदूरों तथा अन्य कर्मचारियों के स्वास्थ्य का परीक्षण प्रत्येक छः माह पर कराया जाना अनिवार्य होगा इसके लिए यथा सम्भव चिकित्सा कैम्प आयोजित किया जाय।
8. खनन स्थल/उद्योग स्थल से निकले प्रदूषित पानी को एक स्थल पर एकत्र किया जायेगा तथा GSR. 422 (E) दिनांक 19.05.1993 तथा दिनांक 31.12.1993 एवं यथा संशोधित निर्देशानुसार विधि से पानी को स्वच्छ किया जाना अनिवार्य होगा।
9. उपखनिजों का परिवहन सूर्यास्त के पश्चात नहीं किया जायेगा तथा परिवहन के साधनों को त्रिपाल या अन्य संसाधनों से ढका जाना अनिवार्य होगा।
10. मजदूरों/कर्मचारियों के आवास की व्यवस्था तथा भोजन बनाने के लिए गैस की व्यवस्था, शुद्ध पेय जल एवं शौचालय की व्यवस्था करना अनिवार्य होगा।
11. खनन कार्य प्रशिक्षित मेट/फोर मैन की देख-रेख में कराया जाना अनिवार्य होगा।
12. यह पर्यावरण स्वच्छता प्रमाण पत्र खनन पट्टा स्वीकृति हेतु प्रदान किया जा रहा है। खनन पट्टा स्वीकृत न होने की दशा में पर्यावरण स्वच्छता प्रमाण पत्र स्वतः निरस्त माना जायेगा।
13. प्रथम स्थल पर खनन कार्य पूर्ण हो जाने पर उसमें ओवर वर्डन से एकत्र गिट्टी की भराई कराकर उस पर वृक्षारोपण कराना होगा।
14. खनन क्षेत्रों में ब्लास्टिंग से होने वाले कम्पन का अध्ययन किया जायेगा एवं उसकी सूचना प्रत्येक छः माह के अन्दर क्षेत्रीय अधिकारी, प्रदूषण नियंत्रण बोर्ड, झूंसी, इलाहाबाद को प्रेषित किया जाना अनिवार्य होगा।
15. ब्लास्टिंग का कार्य कन्ट्रोल ब्लास्टिंग पद्धति से किया जायेगा तथा ब्लास्टिंग केवल दिन में एक बार निश्चित अवधि के अन्दर किया जायेगा एवं ब्लास्टिंग के पूर्व ध्वनि विस्तारक यंत्र से सूचना प्रसारित किया जाना अनिवार्य होगा।
16. वर्षा जल के संचयन हेतु रेन वाटर हार्वेस्टिंग का प्रबन्ध अवश्य किया जाय।
17. अनुमोदित माइनिंग क्लोजर प्लान तैयार कराकर D.E.I.A.A. एवं क्षेत्रीय अधिकारी, प्रदूषण नियंत्रण बोर्ड, झूंसी, इलाहाबाद को प्रेषित करना अनिवार्य होगा।
18. C.S.R. की गतिविधि का प्रस्ताव जिलाधिकारी/ मुख्य विकास अधिकारी को प्रेषित करना अनिवार्य होगा।
19. उपरोक्त से सम्बन्धित समस्त अभिलेख साईट कार्यालय पर रखना अनिवार्य होगा।

उपरोक्त सभी शर्तों का पालन आवेदक को कड़ाई से करना होगा तथा उपरोक्तानुसार अधिसूचना संख्या-1533(ई) दिनांक 14.09.2006 एवं समय-समय पर किये गये संशोधन के क्रम में प्रत्येक छः माह में उसकी रिपोर्ट प्रस्तावक के माध्यम से डी0इ0आई0ए0ए0 को प्रस्तुत करना होगा। शर्तों के उल्लंघन करने की दशा में पर्यावरण स्वच्छता प्रमाण पत्र निरस्त किया जा सकेगा साथ ही राज्य/जिला स्तरीय सम्बन्धित अधिकारियों को उक्त स्थल का निरीक्षण करने का अधिकार होगा।



अतः उपरोक्तानुसार भारत सरकार की अधिसूचना दिनांक 15.01.2016 व 20.01.2016 में दिये गये प्राविधानों में उपरोक्त शर्तों के अधीन उक्त गाटो से गिट्टी-बोल्डर के खनन हेतु पर्यावरण स्वच्छता प्रमाण पत्र प्रदान किया जाता है, परन्तु उक्त गाटो से गिट्टी-बोल्डर का खनन जिलाधिकारी कार्यालय के खनन अनुभाग से नियमानुसार अनुमति प्राप्त करने के उपरान्त ही किया जा सकेगा।

(मो० महबूब)



पत्रांक: /पर्या०(डी०ई०आई०ए०ए०)/2016-17 तददिनांक।

प्रतिलिपि-निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित।

1. प्रमुख सचिव, पर्यावरण विभाग, उ०प्र० शासन, लखनऊ।
2. जिलाधिकारी इलाहाबाद।
3. मुख्य विकास अधिकारी, इलाहाबाद।
4. क्षेत्रीय अधिकारी, प्रदूषण नियंत्रण बोर्ड इलाहाबाद।
5. प्रभारी अधिकारी, भूतत्व एवं खनिकर्म विभाग उ०प्र० क्षेत्रीय कार्यालय इलाहाबाद।
6. उपजिलाधिकारी, बारा, इलाहाबाद।
7. गार्ड फाईल।

(मो० महबूब)

सदस्य सचिव

डी०इ०ए०सी० इलाहाबाद।

OFFICE OF DISTRICT ENVIRONMENT SECRETARIAT
ALLAHABAD

Letter No. 436/ Parya (DEIAA) 582/ 2017-18

Dt.: 27.5.2017

To,

Smt. Ram Rati Singh
W/o Sh. Dev Raj Singh
R/o Akoria, Tehsil Bara, Allahabad

Sub: Regarding issue of Environment Clearance Certificate for carrying out Gitti-boulder mining area village Pure Baijnath, Tehsil Bara, Allahabad Gata No. 180 area 2.02.

Kindly refer to your application dated 20.3.2017 for above subject which is submitted before Chairman, District Level Environment Assessment Authority (**District Environment Impact Assessment Authority ("DEIAA")**), Allahabad office in terms of Notification dated 15.1.2016 and 20.1.2016 issued by Govt of India. As per the notification of Govt of India a meeting of District Level Expert Valuation committee is convened for 6.4.2017. In the presentation of consultant and application, DEAC has recommended for grant of environmental clearance certificate in meeting held on 23.5.2017 subject to following conditions. Hence the permission for issuance of environment clearance is granted :

Terms:

1. That the Certificate for environmental clearance is being issued for boulder mining area village Pure Baijnath, Tehsil Bara, District Allahabad Gata No. 180, area 2.02 hec.
2. The complete period of mining lease or the reserve for the approved mining plan is 4,00,848.00 cubic meter soil, stone (whichever is not occurred earlier) for which this certificate shall be valid.
3. The mining work shall be done as per the approved mining plan.
4. It shall be mandatory to plant trees and look after them for strengthening environment in the process of mining plan.
5. Maximum production for Gitti-bolders in mines shall be 1,25,000 cubic meter per annum.
6. Maximum depth of the mining work shall be upto the water level and depth only.
7. The work of mining shall be prohibited in National Park and Wild Life Sanctuaries.
8. The mining work shall be carried out in mining plan through the method as mentioned. For drilling/blasting, prior approval of security directorate shall be mandatory.
9. Mining work shall be done at the distance of 50 meter from public places.
10. Mining work shall be carried out as per provisions in UP Minor Minerals Avoidance Regulation 1963 and Mining and Mineral Development and Regulation act, 1957.
11. It shall be mandatory to comply with the government orders issued by centre/state from time to time.

General Conditions :

1. If the capacity of project is increased as per directions under Environment and Forest Ministry Notification dated 14.9.2006, then the environment clearance certificate shall have to be obtained for such area.
2. In the event of violation of approved plan for mining, environment clearance certificate shall be revoked.
3. It shall be mandatory to take no objection certificate from Regional officer, Pollution Control Board before installing plants and machines for the production of Gitti for water and air pollution.

4. Quality of air shall be checked and a report RSPN, SPM, SO₂ NO_x shall be furnished after every six months to D.E.I.A.A. and Regional officer, Pollution control Board, Jhansi, Allahabad.
5. It shall be compulsory to sprinkle water on the area under loading and unloading.
6. For the safety of workers in mining work, safety equipments such as helmet, shoe, ear plug, mask etc. shall have to be provided and the workers shall be given training for safety.
7. Workers and other employees shall be medically examined after every six months for which medical camps shall be organized.
8. The contaminated water is to be taken out from mining spot and the same shall be collected and as per GSR 422 (E) dated 19.5.1993 and date 31.12.1993 the water shall be cleaned as per direction.
9. Minor minerals shall not be transported after sun set. For such transportation Tirpal and other covering system shall be compulsory.
10. The arrangement for the residence of workers/employees and the Gas for cooking food, pure water and toilets shall be compulsory.
11. For mining work, trained mate/fore man shall be compulsory.
12. This certificate is being issued for mining lease. If the mining lease is not approved, the environmental certificate shall be treated as cancelled automatically.
13. After the mining work is done at the site the soil collected at site shall be filled up and tree plantation shall have to be done.
14. The vibrations in mining area shall be caused due to blasting. The same shall be studied and its information shall be provided to Regional officer, Pollution control board every six months Jhoonsi Allahabad.
15. The work of blasting shall be done through the method of control blasting. It can be done only once in a day. The information through sound system shall be done before blasting.
16. Rainwater harvesting shall be conducted for the conservation of water.
17. A mining closure plan shall be approved and the same shall have to be sent to D.E.I.A.A. and Circle officer, Pollution control Board, Jhoonsi, Allahabad.
18. It shall be compulsory to send the proposal of CSR to DM / Chief Development officer and entire data shall be kept at site office.

All the above terms shall have to be complied with strongly and as per above notification No. 1533 (E) dated 14.9.2006 with amendments made from time to time and the report for the same shall be sent every six month through Proposer to DEIAA. In the event of violation of terms, the environment certificate can be cancelled. The officers of State/ District level officers shall have right to inspect the site.

Hence as per above, the notification dated 15.01.2016 and 20.01.2016 of Govt of India, the environment clearance certificate is issued for mining Gitti-boulders. But the work for mining Gitt-Bolder can be carried out only after getting the permission from D.M. Office.

Sd/-

(Mohd. Mahboob)
Member Secretary
D.E.A.C. Allahabad

Letter / Environment (DEIA)/2016-17 dated

Copy to the following for information and necessary action:-

1. Principal Secretary, Environment Department, Uttar Pradesh Government
2. District Magistrate Allahabad.
3. Chief Development Officer, Allahabad.
4. Regional Officer, Pollution Control Board, Allahabad
5. Officer-in-Charge, Mineral and Mining Department, Uttar Pradesh Regional Office, Allahabad
6. The Deputy Collector, Bara, Allahabad.
7. Guard File.

Sd/-

(Mohd. Mahboob)
Member Secretary
D.E.A.C. Allahabad

कार्यालय जिलाधिकारी, प्रयागराज।

(खनन अनुभाग)

पत्रांक: 584 / खनिज / 2020-21

दिनांक: 12/02/2021

श्रीमती रामरती सिंह पत्नी श्री देवराज सिंह
निवासी-अकौरिया, बारा, प्रयागराज।

आपके पत्र दिनांक 10.02.2021 द्वारा अवगत कराया गया है कि आपके पक्ष में जनपद प्रयागराज के तहसील-बारा स्थित ग्राम पूरेबैजनाथ भूखण्ड संख्या-180 में 05 एकड़ का खनन पट्टा दिनांक 26.11.2014 से 25.11.2019 तक स्वीकृत था। उक्त खनन पट्टा क्षेत्र में पट्टा विलेख में उल्लिखित शर्तों के अनुसार समतलीकरण कराकर वृक्षारोपण कराया जाना है, जो कि पीपीओजीसीएलओ कम्पनी पता-मिश्रा का पूरा, तहसील-बारा से पलाई ऐश व मिट्टी लाकर खनन क्षेत्र में भराई करने हेतु अनुरोध किया गया है।

उक्त के सम्बन्ध में अवगत कराना है कि प्रश्नगत खनन पट्टा क्षेत्र दिनांक 25.11.2019 को समाप्त हो चुका है तथा वर्तमान में परिहार पर व्यवस्थित किये जाने लायक नहीं है। पट्टा विलेख में दी गयी शर्तों/पर्यावरण अनापत्ति के अनुसार पट्टेधारक द्वारा भूमि उद्धार किया जा सकता है।

उक्तानुसार अवगत होने का कष्ट करें।



12/02/21

खान अधिकारी
प्रयागराज।

OFFICE OF DISTRICT MAGISTRATE

PRAYAGRAJ

(Mining Branch)

No. 584/ Khanij/2020-21

Date : 12.02.2021

To

Smt. Ramrati Singh W/o Sh. Devraj Singh

R/o Akauria, Bara, Prayagraj

You have apprised vide your letter dated 10.2.2021 that one mining lease for 5 acres was approved in your favour in Tehsil Bara, village Purey Baijnath Plot No. 180 for period from 26.11.2014 to 25.11.2019. In above mining lease area, land is to be leveled and tree plantation was to be carried out as per terms and conditions. PPGCL company Address : Mishra Ka Poora, Tehsil Bara has requested for filling up by flyash and soil to fill up in mining area.

In this connection, it is to apprise you that the said mining lease area has expired on 25.11.2019 and at present the same is not worth arrangement. Hence, the land can be reclaimed as per terms/environment objection in lease deed.

Please be informed accordingly.

Sd/-

MINING OFFICER,
PRAYAG RAJ 12.2.2021

कार्यालय उप जिलाधिकारी बारा प्रयागराज ।

संख्या 1927 / एस0टी0-2021

दिनांक 16 नवम्बर 2021

कार्यालय ज्ञाप

श्रीमती रामरती देवी पत्नी देवराज सिंह निवासिनी ग्राम- अकौरिया परगना व तहसील ब के शिकायती प्रार्थना पत्र दिनांक 15.11.2021 , जिसमें अंकित किया गया है कि प्रार्थनी के नाम ग्र पूरे बैजनाथ तहसील बारा जिला प्रयागराज में स्थित भूखण्ड संख्या 180 रकबा 5एकड़ का ख पट्टा दिनांक 06.11.2014 से दिनांक 25.11.2019 तक का स्वीकृत था । खनन पट्टा विलेख के श के अनुसार खनन के पश्चात गढ़बों का समतलीकरण कराकर वृक्षारोपण कराया जाना आवश्यक है

उक्त शिकायती प्रार्थना पत्र की जांच तहसीलदार बारा से करायी गयी । तहसीलदार ब की आख्या प्राप्त हुयी , जिसमें अंकित किया गया है कि इनके द्वारा दिये गये प्रार्थना पत्र के क्रम दिनांक 10.11.2021 को जांच आख्या प्रेषित की जा चुकी है। पुनः अवगत कराना है कि कार्या जिला पर्यावरण सचिवालय इलाहाबाद के पत्र संख्या 436 दिनांक 27.05.2017 के विन्दु संख्या (शर्तो) में उल्लिखित है कि (प्रथम स्थल पर खनन कार्य पूर्ण हो जाने पर उसमें ओवर वर्डन एकत्र मिट्टी की भराई कराकर उस पर वृक्षारोपण कराना होगा)। अतएव तहसीलदार बारा आख्या दिनांक 16.11.2021 एवम् कार्यालय जिला पर्यावरण सचिवालय इलाहाबाद के पत्र संख्या 4 दिनांक 27.05.2017 के विन्दु संख्या 13 में अंकित शर्तो का अक्षरशः पालन करते हुये ओवर वर्डन एकत्र मिट्टी से उक्त आराजी में खनन के पश्चात गढ़बों को समतलीकरण कर वृक्षारोपण क की अनापत्ति प्रदान की जाती है।

(सौम्या गुरुरानी)

7 ज्वाइन्ट मजिस्ट्रेट/उप जिलाधिकारी
बारा प्रयागराज।

संख्या / उपरोक्तानुसार।
प्रतिलिपि:-

श्रीमती रामरती देवी पत्नी देवराज सिंह निवासी ग्राम- अकौरिया को उनके शिकायती प्रा पत्र दिनांक 15.11.2021 के क्रम में सूचनार्थ प्रेषित ।

(सौम्या गुरुरानी)

ज्वाइन्ट मजिस्ट्रेट/उप जिलाधिकारी
बारा प्रयागराज।

PRAYAGRAJ

No. 1927 / S.T.2021

Date : 16.11.2021

OFFICE MEMORANDUM

Smt. Ram Rati Devi wife of Devraj Singh R/o village Akauria Pargana and Tehsil Bara, made a complaint on 15.11.2021 in which it is stated that applicant was allocated a 5 acre mining lease in village Purey Baijnath Tehsil Bara District Prayagraj Plot No. 180 for period from 6.11.2014 to 25.11.2019. After the execution of lease, it was necessary to fill up the trenches, level the same and carry out plantation.

On this complaint, investigation was done by Tehsildar who submitted the report stating that in furtherance to application, report is sent on 10.11.2021. It is again to apprise that office of District Environment Secretariat, Allahabad vide letter No. 436 dated 27.5.2021 has stated in point-wise terms that after the completion of mining work, soil has to be filled up with overburden and tree plantation is to be carried. Out. Hence Tehsildar Bara report dated 16.11.2021 and letter dated 27.5.2021 of District Environment Secretariat Allahabad point No. 13 are required to be complied with word to word. Hence, no objection is granted for filling up the trenches from the soil and leveling the same and carry out tree plantation

Sd/-

SAUMYA GURURANI
Joint Magistrate/SDM Bara, PrayagrajCopy to : / As above.

Smt. Ram Rati Devi wife of Devraj Singh R/o village Akauria in furtherance to his complaint dated 15.11.2021.

Sd/-

16/11/2021

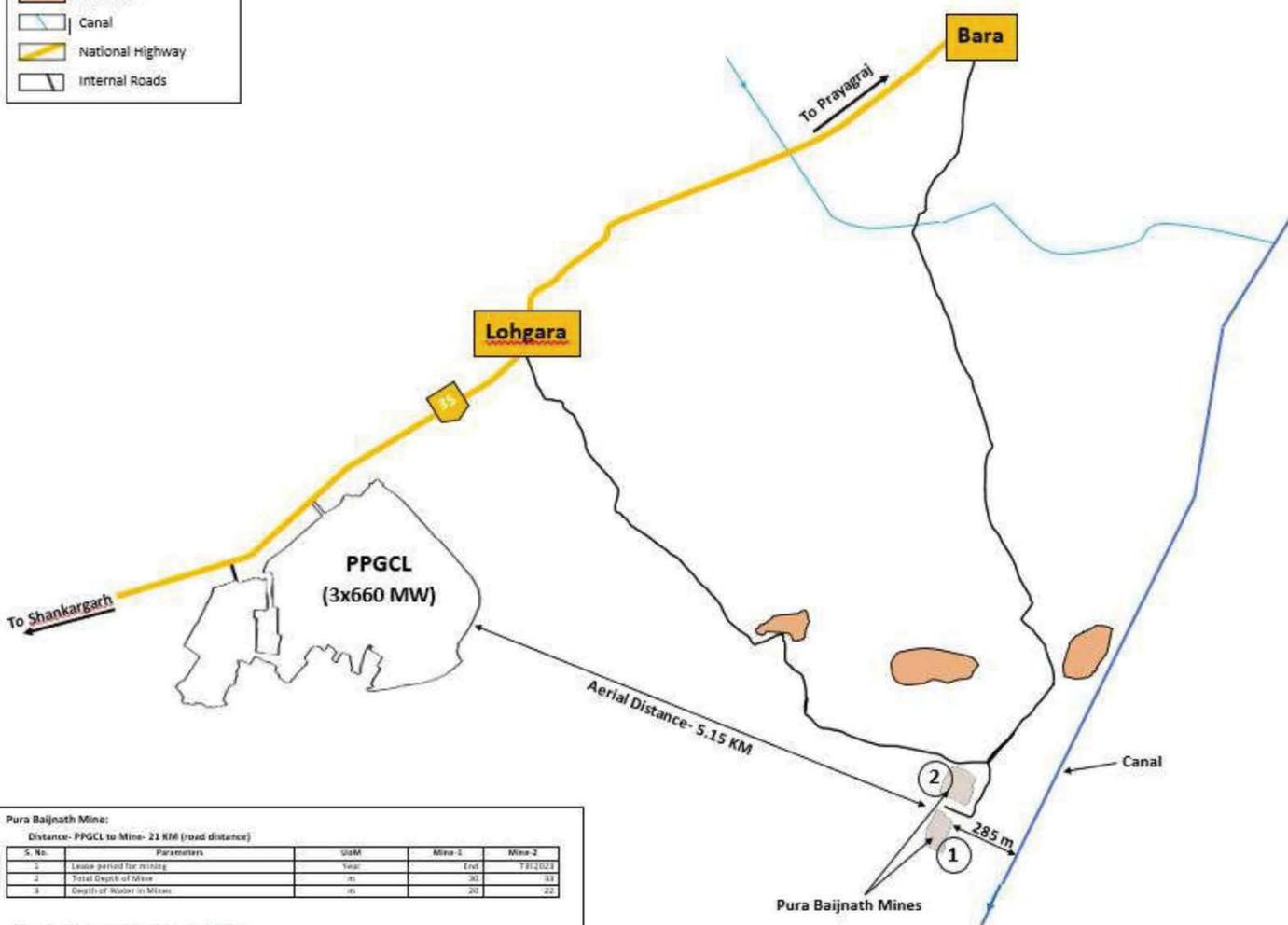
SAUMYA GURURANI
Joint Magistrate/SDM Bara, Prayagraj

ANNEXURE G



Legend:

- Habitation
- Canal
- National Highway
- Internal Roads

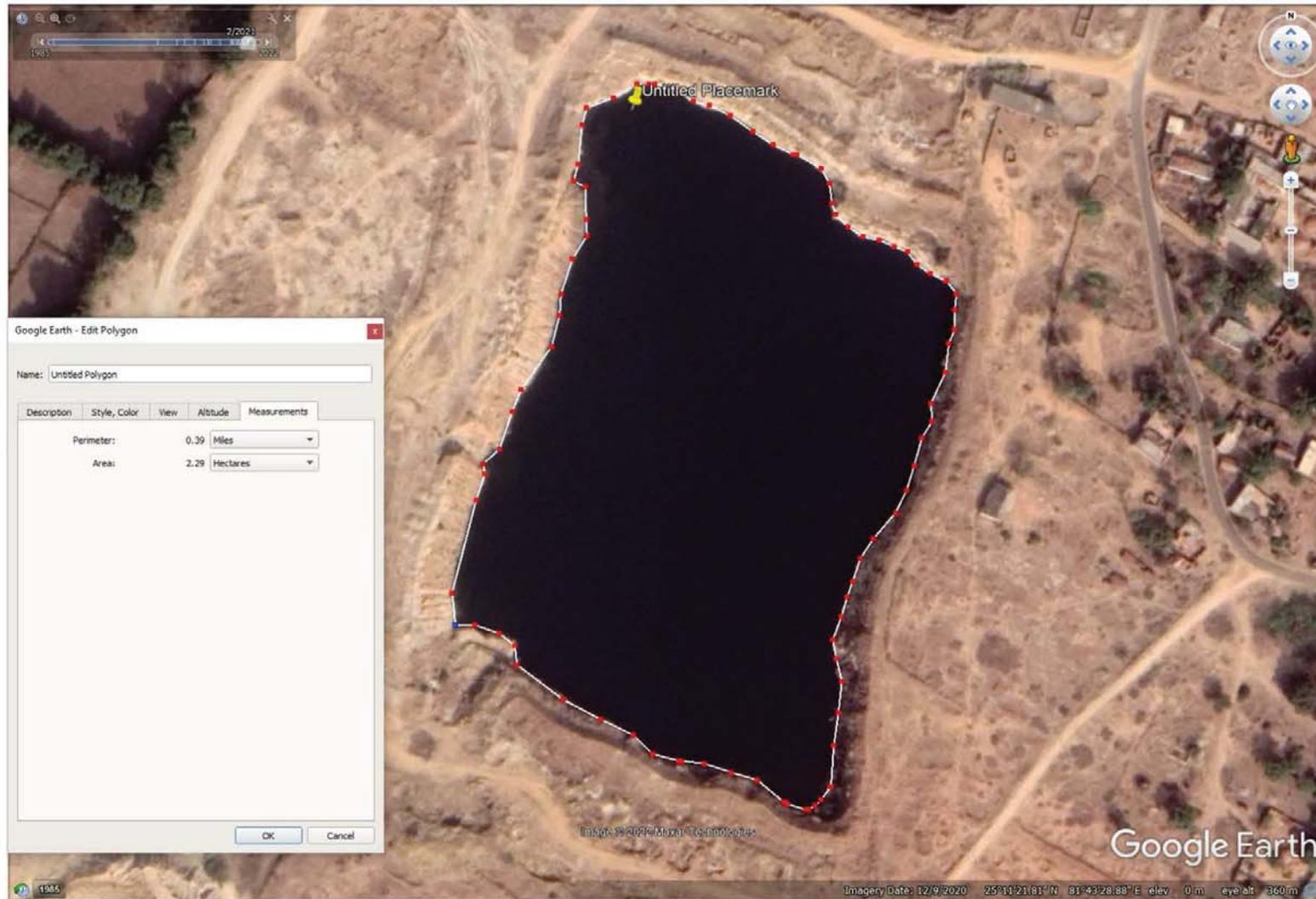


Pura Baijnath Mine:
Distance- PPGCL to Mine- 21 KM (road distance)

S. No.	Parameters	Year	Mine-1	Mine-2
1	License period for mining	Year	End	2021
2	Total Depth of Mine	m	30	33
3	Depth of Water in Mines	m	20	22

*Evacuation of water - nearby canal approx. 285 m

ANNEXURE H(A)



Date : 9/12/2020

Area :- 2.29 ha

ANNEXURE H(B)

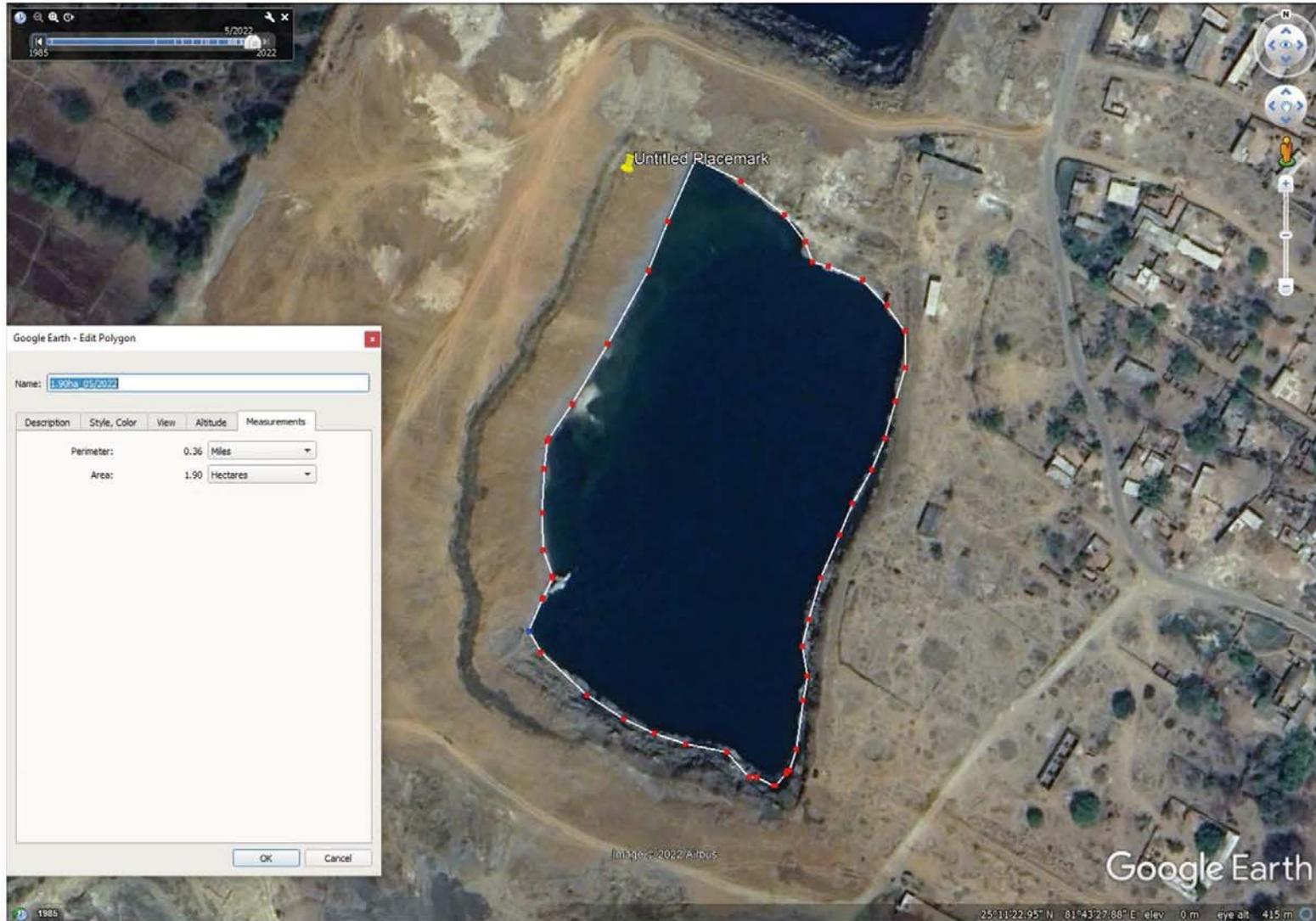


Image Date : 05/2022

Area : 1.90 ha

ANNEXURE I

कार्यालय उप जिलाधिकारी बारा प्रयागराज।

संख्या / एस0टी0-2021

दिनांक 5 फरवरी 2022

1- प्रबन्धक

पी0पी0जी0सी0एल0 लोहगरा बारा
प्रयागराज।

2-श्रीमती रामरती देवी पत्नी श्री देवराज सिंह
निवासी ग्राम-अकौरिया तहसील बारा
प्रयागराज।

3-श्री अमृत राय
टी0आर0एस0एम0 बिल्कान प्राइवेट लिमिटेड
बारा प्रयागराज।

आपको सूचित किया जाता है कि गत सप्ताह में विभिन्न माध्यमों से (व्हाट्स एप, लिखित पत्र, दूरभाष ,अधिकारी निरीक्षण इत्यादि) यह शिकायत प्राप्त हो रही है कि आपके द्वारा प्रदूषण व राखड़ प्रबन्धन नियमों /निर्देशों का अनुपालन नहीं किया जा रहा है। विशेषतः ग्राम ललई में खदान से पानी की निकासी किये बिना ही राखड़ द्वारा गढ़दों की पटाई का कार्य संचालित है। अधिभार ढेर के साथ राखड़ का मिश्रण करने के उपरान्त ही खदान भरने के निर्देश पर्यावरण ,वन एवं जलवायु परिवर्तन मंत्रालय द्वारा 31 दिसम्बर 2021 को जारी अधिसूचना में विस्तृत तौर पर दिये गये हैं, जो नहीं किया जा रहा है।

अतः आपको यह नोटिस कठोर चेतावनी के साथ निर्गत किया जा रहा है कि जांच होने तक आपके द्वारा सभी निर्देशों का अक्षरशः अनुपालन सुनिश्चित किया जायेगा, अन्यथा की दशा में आपके विरुद्ध विधिक कार्यवाही अमल में लायी जायेगी , जिसका सम्पूर्ण उत्तरदायित्व आपका होगा। सुलभ सन्दर्भ हेतु निर्देश संलग्न है। यहां पर यह भी अवगत कराया जाता है कि भारत सरकार द्वारा निर्गत अधिसूचना दिनांक 31 दिसम्बर 2021 में दिये गये फ्लाई-एस के निस्तारण हेतु दिशा निर्देशों का अनुपालन करना/कराना प्रबन्धक पी0पी0जी0सी0 एल0 लोहगरा बारा का दायित्व है।
संलग्नक:-यथोपरि।

(सौम्या गुरुरानी)

ज्वाइन्ट मजिस्ट्रेट / उप जिलाधिकारी बारा
प्रयागराज।

संख्या / उपरोक्तानुसार।

प्रतिलिपि:-

जिलाधिकारी महोदय प्रयागराज को सादर अवलोकनार्थ प्रेषित।

(सौम्या गुरुरानी)

ज्वाइन्ट मजिस्ट्रेट / उप जिलाधिकारी बारा
प्रयागराज।

OFFICE OF SUB DIVNL MAGISTRATE, BARA
PRAYAGRAJ

Letter No. 2612/ S.T.-2021

Date : 5.2.2022

1. Manager
PPGCL Lohgara, Bara
Prayagraj
2. Smt. Ramrati Devi W/o Sh. Devraj Singh
Village Akauria, Tehsil Bara
Prayagraj
3. Sh. Amrit Rai
T R S M Bilkan Pvt. Ltd.
Bara, Prayagraj

You are hereby informed that last week complaints are being received from different sources such as WhatsApp, letters, telephone and officer Inspection that the directions about pollution and ash related conditions are not being complied with specially in village Lalai, taking out water from the mined area and leveling the pits from ash are to be done. With excess dump, ash is to be mixed and then only it should be filled up as per direction of Ministry of Environment, Forest and Climatic change vide notification dated 31.12.2021. The same is not being complied with.

Hence, this notice is being issued to you with stern warning that you shall comply with all directions word to word otherwise legal action shall be taken against you for which entire responsibility shall rest upon you. For reference, directives are attached. You are also apprised that it is the responsibility of PPGCL Lohgara Bara to comply with directions about disposal of fly-ash.

Sd/-

05/02/2022

SAUMYA GURURANI

JT. MAGISTRATE/ SDM BARA, PRAGARAJ

Copy to :

D.M. Prayagraj for kind perusal.

Sd/-

SAUMYA GURURANI

JT. MAGISTRATE/ SDM BARA, PRAGARAJ

ANNEXURE J

Annexure J

Photographs taken during the site visit on July 21, 2022
(OA no 364/2022)



Photo 1: Overview of abundant mine filled with water



Photo 2: Overview of abundant mine filled with water



Photo 3: Complainant who has filed the case in the Hon'ble NGT



Photo 4: Plantation



Photo 5: Plantation



Photo 6: Ash disposal on the mines



Photo 7 : Conditioning of the bottom ash for plantation



Photo 8 : Conditioning of the bottom ash for plantation



Photo 9: Disposal of the bottom ash from one side of mine



Photo 10: Disposal of the bottom ash from one side of mine



Photo 11: Preparing of earth for plantation on the bank of abundant mine



Photo 12: Disposal of the bottom ash from one side of mine



Photo 13: Preparing of earth for plantation on the bank of abundant mine



Photo 14 : Preparing for the dewatering of the mines



Photo 15: Preparing the soil conditioning with bottom ash for plantation



Photo 16: Preparing the soil conditioning with bottom ash for plantation



Photo 17 : Preparation of the undulated catchment area for movement of vehicle



Photo 18 : Plantation on the bank of abundant mine

ANNEXURE R5/2 (COLLY.)**THE GAZETTE OF INDIA
EXTRAORDINARY****PART II -- Section 3 -- Sub-section (ii)****MINISTRY OF ENVIRONMENT AND FORESTS
NOTIFICATION****New Delhi, the 14th September, 1999**

8.0.763(E).- Whereas a draft notification containing certain directions was published, as required by subrule (3) of rule 5 of the Environment (Protection) Rules, 1986 under the notification of the Government of India in the Ministry of Environment and Forests number S.O. 453(E) dated 22nd May, 1998 inviting objections and suggestions from all persons likely to be affected thereby, before the expiry of the period of sixty days from the date on which the copies of the Gazette of India containing the said notification are made available to the public;

And, whereas, copies of the said Gazette were made available to the public on the same date;

And, whereas, the objections and suggestions received from the public in respect of the said draft notification have been duly considered by the Central Government;

Where as it is necessary to protect the environment, conserve top soil and prevent the dumping and disposal of fly ash discharged from coal or lignite based thermal power plants on land;

And, whereas, there is a need for restricting the excavation of top soil for manufacture of bricks and promoting the utilisation of fly ash in the manufacture of building materials and in construction activity within a specified radius of fifty kilometers from coal or lignite based thermal power plants;

And, Whereas, the Hon'ble High Court of Judicature, Delhi vide its order dated 25th August, 1999 in CWP No. 2145/99 Centre for Public Interest Litigation, Delhi v/s Union of India directed that the Central Government to publish the final notification in respect of fly ash on or before 26th October, 1999;

Now, therefore, in exercise of the powers conferred by sub-section (1), read with clause (v) of sub-section (2) of section 3 and section 5 of the Environment (Protection) Act, 1986 (29 of 1986); and in pursuance of the orders of the Hon'ble High Court, Delhi stated above, the Central Government hereby issues the following directions which shall come into force on the date of the publication of this notification, namely:-

- 1. Use of fly ash, bottom ash or pond ash in the manufacture of bricks and other construction activities.**
 - (1) No person shall within a radius of fifty kilometers from coal or lignite based thermal power plants, manufacture clay bricks or tiles or blocks for use in construction activities without mixing at least 25 per cent of ash (fly ash, bottom ash or pond ash) with soil on weight to weight basis. '
 - (2) The authority for ensuring the use of specified quantity of ash as per para (1) above shall be the concerned Regional Officer of the State Pollution Control Board or the Pollution Control Committee as the case may be. In case of non-compliance, the said authority, in addition to cancellation of consent order issued to establish the brick kiln, shall move the district administration for cancellation of mining lease. The cancellation of mining lease shall be decided after due hearing. To enable the said authority to verify the actual use of ash, the thermal power plant shall maintain month-wise records of ash made available to each brick kiln.
 - (3) In case of non-availability of ash from thermal power plant in sufficient quantities as certified by the said power plant, the stipulation under para (1) shall be suitably modified (waived/ relaxed) by the concerned State/Union Territory Government.
 - (4) Each coal or lignite based thermal power plant shall constitute a dispute settlement committee which shall include the General Manager of the thermal power plant and a representative of All



TRUE COPY

India Brick and Tile Manufacture's Federation (AIBTMF). Such a committee shall ensure unhindered loading and transport of ash without any undue loss of time. Any unresolved dispute shall be dealt with by a State/Union Territory level committee to be set up by State/Union Territory Government comprising Member Secretary of the State Pollution Control Board/Pollution Control Committee, representatives of Ministry of Power in the State/Union Territory Government and a representative of AIBTMF.

2. Utilisation of ash by Thermal Power Plants.

All coal or lignite based thermal power plants shall utilise the ash generated in the power plants as follows:

- (1) Every coal or lignite based thermal power plant shall make available ash, for at least ten years from the date of publication of this notification, without any payment or any other consideration, for the purpose of manufacturing ash-based products such as cement, concrete blocks, bricks, panels or any other material or for construction of roads, embankments, dams, dykes or for any other construction activity.
- (2) Every coal or lignite based thermal power plant commissioned subject to environmental clearance conditions stipulating the submission of an action plan for full utilisation of fly ash shall, within a period of nine years from the publication of this notification, phase out the dumping and disposal of fly ash on land in accordance with the plan. Such an action plan shall provide for thirty per cent of the fly ash utilisation, within three years from the publication of this notification with further increase in utilisation by atleast ten per cent points every year progressively for the next six years to enable utilisation of the entire fly ash generated in the power plant atleast by the end of ninth year. Progress in this regard shall be reviewed after five years.
- (3) Every coal or lignite based thermal power plant not covered by para (2) above shall, within a period of fifteen years from the date of publication of this notification, phase out the utilisation of fly ash in accordance with an action plan to be drawn up by the power plants. Such action plan shall provide for twenty per cent of fly ash utilisation within three years from the date of publication of this notification, with further increase in utilisation every year progressively for the next twelve years to enable utilisation of the entire fly ash generated in the power plant.
- (4) All action plans prepared by coal or lignite based thermal power plants in accordance with sub-para (2) and (3) of para 2 of this notification, shall be submitted to the Central Pollution Control Board/Committee and concerned, State Pollution Control Board/Committee and concerned regional office of the Ministry of Environment and Forests within a period of six months from the date of publication of this notification.
- (5) The Central and State Government Agencies, the State Electricity Boards, the National Thermal Power Corporation and the management of the thermal power plants shall facilitate in making available land, electricity and water for manufacturing activities and provide access to the ash lifting area for promoting and setting up of ash-based production units in the proximity of the area where ash is generated by the power plant.
- (6) Annual implementation report providing information about the compliance of provisions in this notification shall be submitted by the 30th day of April every year to the Central Pollution Control Board, concerned State Pollution Control Board/Committee and the concerned Regional Office of the Ministry of Environment and Forests by the coal or lignite based thermal power plants.

3. Specifications for use of ash-based products.

- (1) Manufacture of ash-based products such as cement, concrete blocks, bricks, panels or any other material or the use of ash in construction activity such as in road laying, embankments or use as landfill to reclaim low lying areas including back filling in abandoned mines or pitheads or for any other use shall be carried out in accordance with specifications and guidelines laid down by the Bureau of Indian Standards, Indian Bureau of Mines, Indian Road Congress, Central Building Research institute, Roorkee, Central Road Research Institute, New Delhi, Building Materials and Technology Promotion Council, New Delhi, Central Public Works Department, State Public Works Departments and other Central and State Government agencies.

- (2) The Central Public Works Department, Public Works Departments in the State/Union Territory Governments, Development Authorities, Housing Boards, National Highway Authority of India and other construction agencies including those in the private sector shall also prescribe the use of ash and ash-based products in their respective schedules of specifications and construction applications, including appropriate standards and codes of practice, within a period of four months from the publication of this notification.
- (3) All local authorities shall specify in their respective building bye-laws and regulations the use of ash and ash-based products and construction techniques in building materials, roads, embankments or for any other use within a period of four months from the date of publication of this notification.

[F. No. 16-2/95-HSMD]
V RAJAGOPALAN, Jt.. Secy.

THE GAZETTE OF INDIA EXTRAORDINARY (PART -II SEC. 3

MINISTRY OF ENVIRONMENT AND FORESTS

NOTIFICATION

New Delhi, the 3rd November, 2009

S.O. 2804(E).-WHERE AS, by notification of the Government of India in the Ministry of Environment and Forests number S.O. 763(E), dated the 14th September, 1999 (hereafter referred to as the said notification) issued under sub section (1), clause (v) of sub- section (2) of section 3 and section 5 of the Environment (Protection) Act, 1986 (29 of 1986), the Central Government, issued directions for restricting the excavation of top soil for manufacture of bricks and promoting the utilisation of fly ash in the manufacture of building materials and in construction activity within a specified radius of one hundred kilometers from coal or lignite based thermal power plants;

AND WHEREAS, the term "fly ash" means and includes all categories or groups of coal or lignite ash generated at the thermal power plant and collected by Electrostatic Precipitator (ESP) or bag filters or other similar suitable equipments; bottom ash is the ash collected separately at the bottom of the boiler; pond ash is the mixture of ESP Fly ash and

bottom ash, but, for the purpose of this notification, the term "fly ash, means and includes all ash generated such as Electrostatic Precipitator (ESP) ash, dry fly ash, bottom ash, pond ash and mound ash as the objective is to utilise all the ashes;

AND WHEREAS, there is a need for restricting the excavation of top soil for manufacture of bricks and for other works which involve use of top soil and promoting utilisation of fly ash produced by coal or lignite based thermal power plants including captive power plants and co-generation plants in the manufacture of building materials and construction activity;

AND WHEREAS, it was observed that there was a gradual increase in the use of fly ash in the manufacture of fly ash bricks or products from about 1.5 million tonne in 2002-2003 to 3.19 million tonne in 2006-2007 which needs to be further encouraged for achieving the ultimate objective of conservation of top soil and minimise environmental pollution caused due to fly ash;

AND WHEREAS, it is observed that construction agencies are yet to achieve their targets of utilization of fly ash based products even after the 31st August, 2007, the date prescribed for 100% utilisation of fly ash

based products in the said notification of 1999 and it is also observed that many thermal power stations or plants are also yet to achieve the targets drawn up in their action plans;

AND WHEREAS, the representations of the brick kiln owners were considered with regard to transporting of fly ash over a long distance and also the logistics involved including the energy cost;

AND, WHEREAS, the issue has been examined by the Government of India in the Ministry of Environment and Forests;

AND WHEREAS, the Central Government is of the opinion that the said notification should be amended;

AND WHEREAS, clause (a) of sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986 provides that whenever the Central Government considers that prohibition or restrictions of any industry or carrying on any processes or operation in any area should be imposed, it shall give notice of its intention to do so;

AND WHEREAS, a draft of amendment to the Government of India, Ministry of Environment and Forests notification no. S.0.763 (E), dated the 14th September, 1999 duly amended vide notification No. S.0. 979

(E), dated the 27th August, 2003 (hereinafter referred to as the said notification) which the Central Government Proposes to make under subsection (i) clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986) read with clause (d) of sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986, were published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii) dated the 6th November, 2008 Vide S.O. 2623 (E), inviting objections and suggestions from all persons likely to be affected thereby before the expiry of sixty days from the date on which copies of the Gazette containing the said draft amendments were made available to the public.

AND WHEREAS, copies of the said Gazette were made available to the public on the day of 6th November 2008;

AND WHEREAS, the objections and suggestions received from various persons or agencies likely to be affected thereby in respect of the said draft notification have been duly considered by the Central Government in the Ministry of Environment and Forests;

Now, therefore, in exercise of the powers conferred by sub-section (1) and clause (v) of sub- section (2) of section 3 of the Environment

(Protection) Act, 1986 (29 of 1986) read with clause (d) of sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986, the Central Government hereby makes the following amendments to the said notification, namely: -

AMENDMENTS

1. Throughout the said notification, save as otherwise expressly provided and unless the context otherwise requires, for the word "ash" wherever it occurs, the words "fly ash" shall be substituted.
2. In the said notification, in paragraph 1,-
 - (a) for sub-paragraph (1), the following shall be substituted, namely:-

"(i) use of fly ash based products in construction activities";
 - (b) for sub-paragraphs (1A) and (1B), the following sub-paragraphs shall respectively be substituted, namely:-

"(1.A) Every construction agency engaged - the constructing of buildings within a radius of hundred kilometers from a coal or lignite based thermal power plant shall use only fly ash based products for construction, such as: cement or concrete, fly ash bricks or block or tiles or clay fly ash bricks, blocks or tiles or cement fly ash bricks or similar

products or a combination or aggregate of them, in every construction project.

(1B)The provisions of sub-paragraph (1A) shall be applicable to all construction agencies of Central or State or Local Government and private or public sector and it shall be the responsibility of the agencies either undertaking construction or approving the design or both to ensure compliance of the provisions of subparagraph (1A) and to submit annual returns to the concerned State Pollution Control Board or Pollution Control Committee, as applicable";.

(c) after sub-paragraph (1B), the following sub-paragraph shall be inserted, namely:.

(1C) Minimum fly ash content for building materials or products to qualify as "fly ash based products" category shall be as given in the Table I below:

Table I

Serial Number	Building Materials or Products	Minimum % of fly ash by weight
1.	Fly ash bricks, blocks, tiles, etc. Made with fly ash, line, gypsum,	50% of total input materials

	sand, stone dust etc. (without day.	
2.	Paving blocks, paving tiles, checker tiles, mosaic tiles, roofing sheets, pre-cast elements, etc. Wherein cement is used as binder.	Usage of PPC (IS - 1489; Part -1) or PSC (IS-455) or 15% of OPC (IS-269/8112/11269
3.	Cement.	15% of total raw materials
4.	Clay based building materials such as bricks, blocks, tiles, etc.	15% of total raw materials
5.	Concrete, mortar and plaster.	Usage of PPC (IS-1489:Part-1) or PSC (IS-455) or 15% of OPC (IS-269/8112/12269) content.

- (d) in sub-paragraph (2), for the brackets and number "(1)", the brackets, number and letter "(1C)" shall be substituted and the number of sub-paragraph (2) shall be substituted by 1(D);
- (e) in paragraph (2A), the paragraph 1(A) shall be substituted by 1 (A) and 1 (B) and the amended paragraph 2(A) is to be numbered as 1 (E);

(f) for sub-paragraphs (3) and (3A), the following sub-paragraphs shall respectively be substituted, namely -

"(3) In case of non-availability of fly ash from thermal power plants in sufficient quantities as certified by the said power plants, within 100 km of the site, the stipulation under sub-paragraph (1A) shall be suitably modified (waived or relaxed) by the concerned State Government or Union territory Government level monitoring committee mentioned elsewhere in this nonfiction.

(3A) A decision on the application for Manufacture of fly ash bricks, blocks and tiles and similar other fly ash based products shall be taken Within thirty day from the date of receipt of the application by the concerned State Pollution Control Board or Pollution Control Committee";.

(g) sub-paragraphs (3B), (3C) and (3D) shall be omitted;.

(h) for sub-paragraphs (4) and (5), the following sub-paragraphs shall be substituted, name.

"(4) In each coal or lignite based thermal power plant shall constitute a dispute settlement committee which shall include the General manager of the thermal power plant and a representative of relevant construction and fly ash Brick Manufacturing

Industry Association or Body, as the case may be and such a committee shall ensure unhindered loading at transport of fly ash in an environmentally sound manner without any undue loss of time. At Unresolved dispute shall be dealt be dealt with by the concerned state or Union territory Government level monitoring committee mentioned elsewhere in this notification.

(5) No agency, person or organization shall, within a radius of hundred kilometers of a thermal power plant undertake construction or approve design for construction of roads or flyover embankments with top soil; the guidelines or specifications issued by the Indian Road Congress (IRC) as contained in IRC specification No. SP: 58 of 2001 as amended from time to time, regarding use of fly ash shall be followed and any deviation from this direction can only be agreed to on technical reasons if the same is approved by Chief Engineer (Design) or Engineer -in-Chief of the concerned agency or organisation or on production of a certificate of "fly ash not available" from the thermal power plant(s) (TPPs) located within hundred kilometers of the site of construction and this certificate shall be provided by the TPP within two working days from the date of receipt of a request for fly ash, if fly ash is not available";

(i) in sub-paragraph (6), for the words "Voids created due to soil borrow area shall be filled up with ash with proper compaction and covered with topsoil kept separately as above and this would be done as an integral part of embankment project within the time schedule of the project", the words "Voids created at soil borrow area shall be filled up with fly ash with proper compaction and covered with topsoil kept separately as above and this would be done as an integral part of embankment project" shall be substituted;

(j) for sub paragraph (7), the following sub-paragraphs shall be substituted, namely:-

"(7) No agency, person or organisation shall within a radius of hundred kilometers of a coal or lignite based thermal power plant undertaking or approve or allow reclamation and; compaction of low-lying areas with soil; only fly ash shall be used for compaction and reclamation and they shall also ensure that such reclamation and compaction is done in accordance with the specifications and guideline laid down by the authorities mentioned sub-paragraph (1) of paragraph 3.

(8)(i) No person or agency shall within fifty kilometers (by road) – from coal or lignite based thermal power plants, undertake or approve

stowing of mine without using at least 25% of fly ash on weight to weight basis, of the total stowing materials used and this shall be done under the guidance of the Director General of Mines Safety (DGMS);

Provided that such thermal power stations shall facilitate the availability of required quality and quantity of fly ash as may be decided by the expert committee referred in sub- paragraph (10) for this purpose.

(ii) No person or agency shall within fifty kilometers (by road) from coal or' lignite based thermal power plants, undertake or approve without using at least 25% of fly ash on volume to volume basis of the to total materials used for external dump of overburden and same percentage in upper benches of back filling of opencast mines and this shall be done under the guidance of the Director General of Mines Safety (DGMS);

Provided that such thermal power stations shall facilitate the availability of required quality and quantity of fly ash as may be decided by the expert committee referred in sub- paragraph (10) for this purpose.

(9) The provisions contained in clauses (i) and (ii) of sub-paragraph (8) shall be applicable to all mine agencies under Government, public .and private sector and to mines of all minerals or metals or items and it

shall be the responsibility of agencies either undertaking or approving the external dump of overburden, backfilling or stowing of mine or all these activities to ensure compliance of provisions contained in clauses (1) and (II) of sub-paragraph (8) and to submit annual returns to the concerned state Pollution Control Board or Pollution Control Committee as applicable.

10. The Ministry of Coal for this purpose shall constitute an expert committee comprising of representatives from Fly Ash Unit, Department of Science and Technology Ministry of Science and Technology, Director General of Mines Safety (DGMS), Central Mine Planning and Design Institute Limited (CMPDIL}, Ministry of Environment and Forests, Ministry of Power, Ministry of Mines and the Central Institute of Mining and Fuel Research (CIMFR), Dhanbad; the Committee shall also guide and advise the back filling or stowing in accordance with provisions contained in-sub-paragraphs (8) (i), 8 (ii and (9), and specifications and guidelines laid down by the concerned authorities as mentioned in sub-paragraph (1) of paragraph 3.

(11) The concerned State Government or Union territory Government shall be the enforcing and monitoring authority for ensuring compliance of the provisions of sub-paragraphs (8) (i) and (8) (ii)";

{a) for sub-paragraphs (1), (2) and (3), the following sub-paragraphs shall be substituted namely:

(1) all coal or lignite based thermal power stations would be free to sell fly ash to the user agencies subject to the following conditions, namely:-

- (i) the pond ash 'should be made available free of any charge on "as is where is basis" to manufacturers of bricks, blocks or tiles including clay fly ash product manufacturing unit(s), farmers, the Central and the State road construction agencies, Public Works Department, and to agencies engaged in backfilling or stowing of mines.
- (ii) at least 20% of dry ESP fly ash shall be made available free of charge to units manufacturing fly ash or clay-fly -ash bricks, blocks and tiles on a priority basis over other users and if the demand from such agencies fails short of 20% of quantity, the balance quantity can be sold or disposed of by power station as may be possible;

Provided that the fly ash obtained from the thermal power station should be utilized only for the purpose for which it was obtained

from. Thermal power station or plant failing which no fly ash shall be made available to the defaulting users.

- (2) All coal and, or lignite based thermal expansion units in operation before the date of this notification are to achieve the target of fly ash shall be made available to the defaulting users.

Serial Number	Percentage Utilization of Fly Ash	Target Date
1	At least 50% of fly ash generation	One year from the date of Issue of this notification.
2.	At least 60% of fly ash generation	Two years from the date of issue of this notification.
3.	At least 75% of fly ash generation	Three years from the date of issue of this notification.
4.	At least 90% of fly ash generation	Four years from the date issue of this notification.
5.	100% fly ash generation	Five years from the date of issue of this notification.

The unutilised fly ash in relation to the target during a year, if any, shall be utilized within next two years in addition to the targets stipulated for those years and the balance unutilized fly ash accumulated during first five years (the difference between the generation and the utilization

target) shall be utilized progressively over next five years in addition to 100% utilization of current generation of fly ash.

(3) Now coal and, or lignite based thermal power stations and, or expansion units commissioned after this notification to achieve the target of fly ash utilization as per Table III given below:

Table III

Serial Number	Fly Ash Utilization level	Target Date
1.	At least 50% of fly ash generation	One year from the date of commissioning
2.	At least 70% of fly ash generation	Two years from the date of Commissioning
3.	90% of fly ash generation	Three years from the date of commissioning
4.	100% of fly ash generation	Four years from the date of commissioning.

The unutilised fly ash in relation to the target during a year, if any, shall be utilized within next two years. in addition to the targets stipulated for these years and the balance unutilized fly ash accumulated during first four years (the difference between the generation and utilization target)

shall be utilized progressively over next five years in addition to 100% utilization of current generation of fly ash”,

- b) in sub-paragraph (4), for the words “six months” the words “four months” shall be substituted;:
- c) for sub-paragraph (6), the following subparagraphs shall be substituted, namely:-

"(6) The amount collected from sale of fly ash and fly as based, products by coal and/or lignite based thermal power stations or the subsidiary or sister concern unit, as applicable should be kept in a separate account head and shall utilized only for development of infrastructure or facilities, "promotion and facilitation activities for use of fly ash until 100 percent fly ash utilization level is achieved; thereafter as long as 100% fly ash utilization levels are maintained, the thermal power station would be free to utilize the amount collected for other development programmes also and in case, there is a reduction in the fly ash utilization levels in the subsequent year(s), the use of financial-return from fly ash shall get restricted to development of infrastructure or facilities and promotion or facilitation activities for fly ash utilization until 100 percent fly ash utilisation level is again achieved and maintained.

(7) Annual implementation report (for the period 1st April to 31st March) providing information about the compliance of provisions in this notification shall be submitted by the 30th day of April, every year to the Central Pollution Control Board, concerned State Pollution Control Board or Committee and the concerned Regional Office of the Ministry of Environment and Forests by the coal or lignite based thermal power plants, and also be made a part of the annual report of the thermal power plant as well as thermal power plant wise information be provided in the annual report of thermal power producing agency owning more than one thermal power plant.";

4. in the said notification, in paragraph 3,-

a) in sub-paragraph (2), for the words "schedules of specifications and construction applications, including appropriate standards and codes of practice, within a period of four months from the publication of this notification", the words "tender documents, schedules of specifications and construction applications including appropriate standards and codes of practice thin a period of four months from the publication of this notification" shall be substituted;

b) for sub-paragraph (2A), the following sub-paragraph shall be substituted, namely:-

"(2A) Building construction agencies both in public and private shall prescribe the use of fly ash and fly ash-based product in their respective tender documents, schedules of specifications and construction applications, including appropriate standards and code of practice and make provisions for the use of fly ash and fly ash based bricks, blocks or tiles or aggregates of them in the schedule of approved materials and rates within a period of four months from the publication of this notification,";

(c) for sub-paragraphs (2B) and (3), the following sub-paragraphs shall be substituted, namely:-

"(2B) All agencies undertaking construction of road of fly over -bridges and compaction and compaction of low lying areas, including Department of Road Transport and Highways (DORTH), National Highways Authority of India (NHAI), Central Public works Department (CPWD), State Public Works Department and other State Government Agencies, shall within a period of four months from the publication of this notification:-

(a) make provisions in their tender documents, schedules of approved materials and rates as well as technical documents for

implementation of this notification, including those relating to soil borrow area or pit as per sub-paragraph (6) of paragraph 1; and

- (b) make necessary specifications or guidelines for road or fly over embankments that are not covered by the specifications laid down by the Indian Road Congress (IRC).
- (3) All local authorities shall specify in their respective tender documents, building bye-laws and regulations, the use of fly ash and fly ash-based products and construction techniques in building materials, roads embankments or for any usage with immediate effect.
- (4) The Central Electricity Authority and other approving agencies may permit the land area for emergency ash pond or fly ash -storage area up to 50 hectares for a 500 MW unit, based on 45% ash content coal, or in the same proportion for units in other capacities taking into account the ash content in coal or lignite to be used.

- (5) All Financial institutions and agencies which fund construction activities shall include a clause in their loan or grant document for compliance of the provisions of this notification.
- (6) A Monitoring committee shall be constituted by the Central Government with Members from Ministry of Coal, Ministry of Mines, Ministry of Power Central Pollution Control Board, Central Electricity Authority, Head Fly Ash Unit of Department of Science and Technology and Building Material Teleology Promotion Council to monitor the implementation of the provisions of the notification and submit recommendations or observations at least once in every six months to the Secretary, Ministry of Environment and Forests. Concerned Advisor or Joint Secretary in the Ministry of Environment and Forests will be the convener of this committee.
- (7) For the purpose of monitoring the implementation of the provisions of this notification the state Government or Union territory Government shall constitute a Monitoring Committee within three months from the date of issue of this notification under the Chairmanship of Secretary Department of Environment with representative from Department of Power, Department of

Mining, Road and Building Construction Department and State Pollution Control Board and this Committee would deal with any unresolved issue by Dispute Settlement Committee as prescribed in sub-paragraph (4) of paragraph 1, in addition to monitoring and facilitating implementation of this notification at the respective State Government or Union territory level and this Committee would also be empowered to suitably modify (waive or relax) the stipulation under sub-paragraph (1) in case of non-availability of fly ash in sufficient quantities from thermal power plant as certified by the said power plants and the Committee will meet at least once in every quarter.

(F. No. 9-8/2005-HSMD]

G V. SUBRAHMANYAM, Scientist 'G'

Foot Note :-The principal notification was published in the Gazette of India, Part II, Section 3, Sub-section (ii) vide notification number S.O. 763(E), dated the 14th September, 1999 and was amended vide notification number S. O. 979(E), dated the 27th August, 2003.

// TRUE COPY //

- (10) संबद्ध प्राधिकारी सभी सरकारी स्कीमों या कार्यक्रमों में, उदाहरणार्थ महात्मा गांधी राष्ट्रीय ग्रामीण रोजगार गारंटी अधिनियम, 2005 (मनरेगा), स्वच्छ भारत अभियान, शहरी और ग्रामीण आवासन स्कीम, जहां संनिर्मित क्षेत्र एक हजार वर्ग फुट से अधिक है और अवसंरचना संबंधी संनिर्माण में, जिसके अंतर्गत अभिहित औद्योगिक संपदाओं या पार्कों या विशेष आर्थिक जोनों में भवन निर्माण भी है, ऐश आधारित ईंटों या उत्पादों के आज्ञापक उपयोग को सुनिश्चित करेंगे।
- (11) कृषि मंत्रालय कृषि क्रियाकलापों में ऐश के मृदा अनुकूलक के रूप में उपयोग का संवर्धन करने पर विचार कर सकेगा।”

5. सभी संबद्ध प्राधिकारियों द्वारा उपरोक्त उपबंधों का अनुपालन करने की समयावधि 31 दिसंबर, 2017 है। कोयला या लिग्नाइट आधारित तापीय विद्युत संयंत्र, उनके द्वारा उत्पादित फ्लाई ऐश के 100 प्रतिशत उपयोग के अतिरिक्त उपरोक्त उपबंधों का अनुपालन 31 दिसंबर, 2017 से पूर्व करेंगे।

[फा. सं. 9-8/2005-एचएसएमडी]

विश्वनाथ सिन्हा, संयुक्त सचिव

टिप्पणः- मूल अधिसूचना भारत के राजपत्र, असाधारण, भाग II, खंड 3, उप-खंड (ii) में अधिसूचना सं. का.आ. 763(अ), तारीख 14 सितंबर, 1999 द्वारा प्रकाशित की गई थी और इसमें पश्चातवर्ती संशोधन अधिसूचना सं. का.आ. 979(अ), तारीख 27 अगस्त, 2003 और का.आ. 2804(अ), तारीख 3 नवंबर, 2009 द्वारा किए गए थे।

MINISTRY OF ENVIRONMENT, FORESTS AND CLIMATE CHANGE

NOTIFICATION

New Delhi, the 25th January, 2016

S.O. 254(E).—Whereas a draft of certain amendments to the Government of India in the Ministry of Environment, Forests and Climate Change number S.O. 763(E), dated the 14th September, 1999 (hereinafter referred to as the said notification) which the Central Government proposes to make under sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986) read with clause (d) of sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986, was published in the Gazette of India, Extraordinary, Part II, section 3, Sub-section (ii), vide S.O. 1396(E), dated the 25th May, 2015 inviting objections and suggestions from all persons likely to be affected thereby before the expiry of sixty days from the date on which copies of the Gazette containing the said draft amendments were made available to the public.

And, whereas copies of the said Gazette were made available to the public on 25th May, 2015;

And, whereas all the objections and suggestions received from all persons likely to be affected thereby in respect of the said draft notification have been duly considered by the Central Government;

Now, therefore, in exercise of the powers conferred by sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986) read with clause (d) of sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986, the Central Government hereby makes the following amendments to the said notification, namely: —

1. In the said notification, in paragraph 1,-
 - (a) in sub-paragraph 1(A), for the words “hundred kilometers”, the words “three hundred kilometers” shall be substituted;
 - (b) in sub-paragraph (3), for the figures and letters “100 km”, the words “three hundred kilometers” shall be substituted;
 - (c) in sub-paragraph (5), for the words “hundred Kilometers”, the words “three hundred Kilometers” shall be substituted;
 - (d) in sub-paragraph (7), for the words “hundred Kilometers”, the words “three hundred Kilometers” shall be substituted.

2. In the said notification, in paragraph 2:-**(a) after sub-paragraph (1), the following proviso shall be inserted, namely:-**

“provided further that the restriction to provide 20 % of dry ESP fly ash free of cost shall not apply to those thermal power plants which are able to utilise 100 % fly ash in the prescribed manner.”

(b) after sub-paragraph (7), the following sub-paragraphs shall be inserted, namely:-

“(8) Every coal or lignite based thermal power plants (including captive and or co-generating stations) shall, within three months from the date of notification, upload on their website the details of stock of each type of ash available with them and thereafter shall update the stock position at least once a Month.

(9) Every coal or lignite based thermal power plants shall install dedicated dry ash silos having separate access roads so as to ease the delivery of fly ash.

(10) The cost of transportation of ash for road construction projects or for manufacturing of ash based products or use as soil conditioner in agriculture activity within a radius of hundred kilometers from a coal or lignite based thermal power plant shall be borne by such coal or lignite based thermal power plant and the cost of transportation beyond the radius of hundred kilometers and up to three hundred kilometers shall be shared equally between the user and the coal or lignite based thermal power plant.

(11) The coal or lignite based thermal power plants shall promote, adopt and set up (financial and other associated infrastructure) the ash based product manufacturing facilities within their premises or in the vicinity of their premises so as to reduce the transportation of ash.

(12) The coal or lignite based thermal power plants in the vicinity of the cities shall promote, support and assist in setting up of ash based product manufacturing units so as to meet the requirements of bricks and other building construction materials and also to reduce the transportation.

(13) To ensure that the contractor of road construction utilizes the ash in the road, the Authority concerned for road construction shall link the payment of contractor with the certification of ash supply from the thermal power plants.

(14) The coal or lignite based thermal power plants shall within a radius of three hundred kilometers bear the entire cost of transportation of ash to the site of road construction projects under Pradhan Mantri Gramin Sadak Yojna and asset creation programmes of the Government involving construction of buildings, road, dams and embankments”.

3. In the said notification, in paragraph 2, sub-paragraph (2A) be read as sub-paragraph (15) and at the end of the said sub-paragraph, the following sub-paragraph shall be added, namely:-

“and the coal or lignite based thermal power plants located in coastal districts shall support, assist or directly engage into construction of shore line protection measures.”

4. In the said notification, in paragraph 3, after sub-paragraph (7), the following shall be inserted, namely:-

“(8) It shall be the responsibility of all State Authorities approving various construction projects to ensure that Memorandum of Understanding or any other arrangement for using fly ash or fly ash based products is made between the thermal power plants and the construction agency or contractors.

(9) The State Authorities shall amend Building Bye Laws of the cities having population One million or more so as to ensure the mandatory use of ash based bricks keeping in view the specifications necessary as per technical requirements for load bearing structures.

(10) The concerned Authority shall ensure mandatory use of ash based bricks or products in all Government Scheme or programmes e.g. Mahatma Gandhi National Rural Employment Guarantee Act, 2005 (MNREGA), SWACHH BHARAT ABIYAN, Urban and Rural Housing Scheme, where built up area is more than 1000 square feet and in infrastructure construction including buildings in designated industrial Estates or Parks or Special Economic Zone.

(11) The Ministry of Agriculture may consider the promotion of ash utilisation in agriculture as soil conditioner.”

- 5. The time period to comply with the above provisions by all concerned authorities is 31st December, 2017. The coal or lignite based thermal power plants shall comply with the above provision in addition to 100 % utilization of fly ash generated by them before 31st December, 2017.**

[F. No. 9-8/2005-HSMD]

BISHWANATH SINHA, Jt. Secy.

Note:- The principal notification was published in the Gazette of India, Extraordinary, Part II, section 3, Sub-section (ii) *vide* notification S.O. 763(E), dated the 14th September, 1999 and was subsequently amended *vide* notification S.O. 979(E), dated the 27th August, 2003 and S.O. 2804(E), dated the 3rd November, 2009.

	सीमेंट शीट या पाइप या बोर्ड या पैनल):			
	ii. सीमेंट विनिर्माण:			
	iii. रेडी मिक्स कंक्रीट:			
	iv. राख और जीओ-पॉलिमर आधारित निर्माण सामग्री:			
	v. सिंटीड या कोल्ड बॉन्डेड राख एग्रीगेट का निर्माण:			
	vi. सड़कों, सड़क और फ्लाई ओवर के पुश्तों का निर्माण:			
	vii. बांधों का निर्माण:			
	viii. निम्न भू-क्षेत्र का भराव:			
	ix. खनिज क्षेत्रों का भराव:			
	x. अधिभार वाले डम्पों में उपयोग:			
	xi. कृषि:			
	xii. तटीय जिलों में तटरेखा सुरक्षा संरचनाओं का निर्माण:			
	xiii. अन्य देशों को राख का निर्यात			
	xiv. अन्य (कृपया विनिर्दिष्ट करें):			
20.	सार :			
	ब्यौरा	सृजित मात्रा (एमटीपी)	उपयोग की गई मात्रा (एमटीपी) और (%)	शेष मात्रा (एमटीपी)
	रिपोर्टिंग की अवधि के दौरान राख			
	पुरानी राख			
	कुल			
21.	कोई अन्य सूचना : वार्षिक अनुपालन रिपोर्ट, और विद्युत संयंत्रों और राख कुण्डों की शेष फाइलों की सॉफ्ट कॉपी ई-मेल:- moefcc- coalash@gov.in पर भेजी जाए।			
22.	प्राधिकृत हस्ताक्षरकर्ता के हस्ताक्षर			

MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE

NOTIFICATION

New Delhi, the 31st December, 2021

S.O. 5481(E).—Whereas by notification of the Government of India in the erstwhile Ministry of Environment and Forests *vide* S.O.763 (E), dated the 14th September, 1999, as amended from time to time, the Central Government, issued directions for restricting the excavation of top soil for manufacturing of bricks and promoting the utilisation of fly ash in the manufacturing of building materials and in construction activity within a specified radius of three hundred kilometres from the coal or lignite based thermal power plants;

And whereas, to implement the aforesaid notification more effectively based on the polluter pays principle (PPP) thereby ensuring 100 per cent utilisation of fly ash by the coal or lignite based thermal power plants and for the sustainability of the fly ash management system, the Central Government reviewed the existing notification; and whereas environmental compensation needs to be introduced based on the polluter pays principle;

And whereas, there is a need to conserve top soil by promoting manufacture and mandating use of ash based products and building materials in the construction sector;

And whereas, there is a need to conserve top soil and natural resources by promoting utilisation of ash in road laying, road and flyover embankments, shoreline protection measures, low lying areas of approved projects, backfilling of mines, as an alternative for filling of earthen materials;

And whereas, it is necessary to protect the environment and prevent the dumping and disposal of fly ash discharged from coal or lignite based thermal power plants on land;

And whereas, in the said notification the phrase 'ash', has been used which includes both fly ash as well as bottom ash generated from the Coal or Lignite based thermal power plants;

And whereas, the Central Government intends to bring out a comprehensive framework for ash utilisation including system of environmental compensation based on polluter pays principle;

And whereas, a draft notification on ash utilisation by coal or lignite thermal power plants in supersession of the notification of the Government of India, Ministry of Environment and Forests published in the Gazette of India, Extra Ordinary part II, section 3, sub-section (i) *vide* S.O.763 (E), dated the 14th September, 1999, by notification in exercise of the powers conferred under sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986) read with clause (d) of sub-rule (3) of rule (5) of the Environment (Protection) Rules, 1986, was published in the Gazette of India, Extraordinary, Part II, section 3, sub-section (i), *vide* G.S.R. 285(E), dated the 22nd April, 2021 inviting objections and suggestions from all persons likely to be affected thereby before the expiry of sixty days from the date on which copies of the Gazette containing the said draft provisions were made available to the public;

And, whereas all the objections and suggestions received from all persons likely to be affected thereby in respect of the said draft notification have been duly considered by the Central Government;

Now, therefore, in exercise of the powers conferred by sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986) read with clause (d) of sub-rule (3) of rule (5) of the Environment (Protection) Rules, 1986, and in supersession of the Notification S.O.763 (E), dated the 14th September, 1999 except as respect things done or omitted to be done before such supersession, the Central Government hereby issues the following notification on ash utilisation from coal or lignite thermal power plants which shall come into force on the date of the publication of this notification, namely:-

A. Responsibilities of thermal power plants to dispose fly ash and bottom ash.—

- (1) Every coal or lignite based thermal power plant (including captive or co-generating stations or both) shall be primarily responsible to ensure 100 per cent utilisation of ash (fly ash, and bottom ash) generated by it in an eco-friendly manner as given in sub-paragraph (2);
- (2) The ash generated from coal or lignite based thermal power plants shall be utilised only for the following eco-friendly purposes, namely:-
 - (i) Fly ash based products viz. bricks, blocks, tiles, fibre cement sheets, pipes, boards, panels;
 - (ii) Cement manufacturing, ready mix concrete;
 - (iii) Construction of road and fly over embankment, Ash and Geo-polymer based construction material;
 - (iv) Construction of dam;
 - (v) Filling up of low lying area;
 - (vi) Filling of mine voids;
 - (vii) Manufacturing of sintered or cold bonded ash aggregate;
 - (viii) Agriculture in a controlled manner based on soil testing;
 - (ix) Construction of shoreline protection structures in coastal districts;

- (x) Export of ash to other countries;
- (xi) Any other eco-friendly purpose as notified from time to time.
- (3) A committee shall be constituted under the chairmanship of Chairman, Central Pollution Control Board (CPCB) and having representatives from Ministry of Environment, Forest and Climate Change (MoEFCC), Ministry of Power, Ministry of Mines, Ministry of Coal, Ministry of Road Transport and Highways, Department of Agricultural Research and Education, Institute of Road Congress, National Council for Cement and Building Materials, to examine and review and recommend the eco-friendly ways of utilisation of ash and make inclusion or exclusion or modification in the list of such ways as mentioned in Sub-paragraph (2) based on technological developments and requests received from stakeholders. The committee may invite State Pollution Control Board or Pollution Control Committee, operators of thermal power plants and mines, cement plants and other stakeholders as and when required for this purpose. Based on the recommendations of the Committee, Ministry of Environment, Forest and Climate Change (MoEFCC) may publish such eco-friendly purpose.
- (4) Every coal or lignite based thermal power plant shall be responsible to utilise 100 per cent ash (fly ash and bottom ash) generated during that year, however, in no case shall utilisation fall below 80 per cent in any year, and the thermal power plant shall achieve average ash utilisation of 100 per cent in a three years cycle:

Provided that the three years cycle applicable for the first time is extendable by one year for the thermal power plants where ash utilisation is in the range of 60-80 per cent, and two years where ash utilisation is below 60 per cent and for the purpose of calculation of percentage of ash utilisation, the percentage quantity of utilisation in the year 2021- 2022 shall be taken into account as per the table below:

Utilisation percentages of thermal power plants	First compliance Cycle to meet 100 per cent utilisation	Second compliance cycle onwards, to meet 100 per cent utilisation
>80 per cent	3 years	3 years
60-80 per cent	4 years	3 years
<60 per cent	5 years	3 years

Provided further that the minimum utilisation percentage of 80 per cent shall not be applicable to the first year and first two years of the first compliance cycle for the thermal power plants under the utilisation category of 60-80 per cent and <60 per cent, respectively.

Provided also that 20per cent of ash generated in the final year of compliance cycle may be carried forward to the next cycle which shall be utilised in the next three years cycle along with the ash generated during that cycle.

- (5) The unutilised accumulated ash i.e. legacy ash, which is stored before the publication of this notification, shall be utilised progressively by the thermal power plants in such a manner that the utilization of legacy ash shall be completed fully within ten years from the date of publication of this notification and this will be over and above the utilisation targets prescribed for ash generation through current operations of that particular year:

Provided that the minimum quantity of legacy ash in percentages as mentioned below shall be utilised during the corresponding year and the minimum quantity of legacy ash is to be calculated based on the annual ash generation as per installed capacity of thermal power plant.

Year from date of publication	1 st	2 nd	3 rd -10 th
Utilisation of legacy ash (in percentage of Annual ash)	At least 20 per cent	At least 35 per cent	At least 50 per cent

Provided further that the legacy ash utilisation shall not be required where ash pond or dyke has stabilised 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.

Note: The obligations under sub-paragraph (4) and (5) above for achieving the ash utilisation targets shall be applicable from 1st April, 2022.

- (6) Any new as well as operational thermal power plant may be permitted an emergency or temporary ash pond with an area of 0.1 hectare per Mega Watt (MW). Technical specifications of ash ponds or dykes shall be as per the guidelines of Central Pollution Control Board (CPCB) made in consultation with Central Electricity Authority (CEA) and these guidelines shall also lay down a procedure for annual certification of the ash pond or dyke on its safety, environmental pollution, available volume, mode of disposal, water consumption or conservation in disposal, ash water recycling and greenbelt, etc., and shall be put in place within three months from the date of publication of this notification.
- (7) Every coal or lignite based thermal power plant shall ensure that loading, unloading, transport, storage and disposal of ash is done in an environmentally sound manner and that all precautions to prevent air and water pollution are taken and status in this regard shall be reported to the concerned State Pollution Control Board (SPCB) or Pollution Control Committee (PCC) in Annexure attached to this notification.
- (8) Every coal or lignite based thermal power plant shall install dedicated silos for storage of dry fly ash silos for at least sixteen hours of ash based on installed capacity and it shall be reported upon to the concerned State Pollution Control Board (SPCB) or Pollution Control Committee (PCC) in the Annexure and shall be inspected by Central Pollution Control Board (CPCB) or State Pollution Control Board (SPCB) or Pollution Control Committee (PCC) from time to time.
- (9) Every coal or lignite based thermal power plant (including captive or co-generating stations or both) shall provide real time data on daily basis of availability of ash with Thermal Power Plant (TPP), by providing link to Central Pollution Control Board's web portal or mobile phone App for the benefit of actual user(s).
- (10) Statutory obligation of 100 per cent utilisation of ash shall be treated as a change in law, wherever applicable.

B. For the purpose of utilisation of ash, the subsequent sub-paras shall apply.—

- (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.

Provided further that thermal power plant may charge for ash cost and transportation as per mutually agreed terms, in case thermal power plant is able to dispose the ash through other means and those agencies makes a request for it and the provisions of ash free of cost and free transportation shall be applicable, if thermal power plant serves a notice on the construction agency for the same.

- (2) The utilisation of ash in the said activities shall be carried out in accordance with specifications and guidelines laid down by the Bureau of Indian Standards, Indian Road Congress, Central Building Research Institute, Roorkee, Central Road Research Institute, Delhi, Central Public Works Department, State Public Works Departments and other Central and State Government Agencies.

- (3) It shall be obligatory on all mines located within 300 kilometres radius of thermal power plant, to undertake backfilling of ash in mine voids or mixing of ash with external Overburden dumps, under Extended Producer Responsibility (EPR). All mine owners or operators (Government, Public and Private Sector) within three hundred kilometres (by road) from coal or lignite based thermal power plants, shall undertake measures to mix at least 25 per cent of ash on weight to weight basis of the materials used for external dump of overburden, backfilling or stowing of mine (running or abandoned as the case may be) as per the guidelines of the Director General of Mines Safety (DGMS):

Provided that such thermal power stations shall facilitate the availability of required quantity of ash by delivering ash free of cost and bearing the cost of transportation or cost of transportation arrangement decided on mutually agreed terms and mixing of ash with overburden in mine voids and dumps shall be applicable for the overburden generated from the date of publication of this notification and the utilisation of ash in the said activities shall be carried out in accordance with guidelines laid down by the Central Pollution Control Board, Director General of Mines Safety and Indian Bureau of Mines.

Explanation.- For the purpose of this sub-paragraph, it is also clarified that the provisions of ash free of cost and free transportation shall be applicable, if thermal power plants serve a notice on the mine owner for the same and the mandate of using 25 per cent of ash for mixing with overburden dump and filling up of mine voids shall not be applicable unless a notice is served on the mine owner by thermal power plant.

- (4) (i) All mine owners shall get mine closure plans (progressive and final) to accommodate ash in the mine voids and the concerned authority shall approve mine plans for disposal of ash in mine voids and mixing of ash with overburden dumps. The Ministry of Environment, Forest and Climate Change (MoEFCC) has issued guidelines on 28th August, 2019 regarding exemption of requirement of Environmental Clearance of thermal power plants and coal mines along with the guidelines to be followed for such disposal.

(ii) The Ministry in consultation with Central Pollution Control Board (CPCB), Director General of Mine Safety (DGMS) and Indian Bureau of Mines (IBM) may issue further guidelines time to time to facilitate ash disposal in mine voids and mixing with overburden dumps and it shall be the responsibility of mine owners to get the necessary amendments or modifications in the permissions issued by various regulatory authorities within one year from the date of identification of such mines.

- (5) (i) There shall be a committee headed by Chairperson, Central Pollution Control Board (CPCB) with representatives from Ministry of Environment, Forest and Climate Change, Ministry of Power, Ministry of Mines, Ministry of Coal, Director General of Mine Safety and Indian Bureau of Mines for identification of mines for backfilling of mine voids with ash or mixing of ash with overburden dump including examination of safety, feasibility (not economic feasibility) and aspects of environmental contamination and the committee shall get updated quarterly reports prepared regarding identified mines (both underground and opencast) for the stakeholder Ministries or Departments and the committee shall start identifying the suitable mines immediately after the publication of this notification.

(ii) Thermal power plants or mines shall not wait for disposal of ash till the identification is done by the above mentioned committee, to meet the utilisation targets mandated as above.

- (6) Filling of low lying areas with ash shall be carried out with prior permission of the State Pollution Control Board or Pollution Control Committee for approved projects, and in accordance with guidelines laid down by Central Pollution Control Board (CPCB) and the State Pollution Control Board or Pollution Control Committee (PCC) shall publish approved sites, location, area and permitted quantity annually on its website.

- (7) Central Pollution Control Board after engaging relevant stakeholders, shall put in place the guidelines within one year for all types of activities envisaged under this notification including putting in place time bound online application process for the grant permission by State Pollution Control Boards (SPCBs) or Pollution Control Committees (PCCs).

- (8) All building construction projects (Central, State and Local authorities, Govt. undertakings, other Govt. agencies and all private agencies) located within a radius of three hundred kilometres from a coal or lignite based thermal power plant shall use ash bricks, tiles, sintered ash aggregate or other ash based products, provided these are made available at prices not higher than the price of alternative products.
- (9) Manufacturing of ash based products and use of ash in such products shall be in accordance with specifications and guidelines laid down by the Bureau of Indian Standards, Indian Road Congress, and Central Pollution Control Board.

C. Environmental compensation for non-compliance.—

- (1) In the first two years of a three years cycle, if the coal or lignite based thermal power plant (including captive or co-generating stations or both) has not achieved at least 80 per cent ash (fly ash and bottom ash) utilisation, then such non-compliant thermal power plants shall be imposed with an environmental compensation of Rs. 1000 per ton on unutilised ash during the end of financial year based on the annual reports submitted and if it is unable to utilise 100 per cent of ash in the third year of the three years cycle, it shall be liable to pay an environmental compensation of Rs. 1000 per ton on the unutilised quantity on which environmental compensation has not been imposed earlier:

Provided that the environmental compensation shall be estimated and imposed at the end of last year of the first compliance cycle as per the various utilisation categories as mentioned in sub-paragraph (4) of Para A.

- (2) Environmental compensation collected by the authorities shall be deposited in the designated account of Central Pollution Control Board.
- (3) In case of legacy ash, if the coal or lignite based thermal power plant (including captive or co-generating stations or both) has not achieved utilisation equivalent to at least 20 per cent (for the first year), 35 per cent (for the second year), 50 per cent (for third to tenth year) of ash generated based on installed capacity, an environmental compensation of Rs. 1000 per ton of unutilised legacy ash during that financial year shall be imposed and if the utilization of legacy ash is not completed at the end of 10 years, an environmental compensation of Rs.1000 per ton shall be imposed on the remaining unutilised quantity which has not been imposed earlier.
- (4) It shall be the responsibility of the transporters or vehicle owner to deliver ash to authorised purchaser or user agency and if it is not complied, then an environmental compensation of Rs. 1500 per ton on such quantity as mis-delivered to unauthorised users or non- delivered to authorised users will be imposed besides prosecution of such non-compliant transporters by State Pollution Control Board (SPCB) or Pollution Control Committee (PCC).
- (5) It is the responsibility of the purchasers or user agencies to utilise ash in an eco-friendly manner as laid down at para B of this notification and if it is not complied, then an environmental compensation of Rs. 1500 or per ton shall be imposed by State Pollution Control Board (SPCB) or Pollution Control Committee (PCC).
- (6) If the user agencies do not utilise ash to the extent obligated under para B or the extent to which they have been intimated through Notice(s) served under sub-paragraph (1) of para D, whichever is lower, they shall be liable to pay Rs. 1500 per ton of ash for the quantity they fall short off:

Provided that the environmental compensation on building constructions shall be levied at Rs.75/- per square feet of built up area of construction.

- (7) (i) The environmental compensation collected by Central Pollution Control Board from the thermal power plants and other defaulters shall be used towards the safe disposal of the unutilised ash and the fund may also be utilised for advancing research on use of ash including ash based products.

(ii) The liability of ash utilisation shall be with thermal power plants even after imposition of environmental compensation on unutilised quantities and in case thermal power plant achieves the ash utilisation of any

particular cycle after imposition of environmental compensation in subsequent cycles, the said amount shall be returned to thermal power plant after deducting 10 per cent of the environmental compensation collected on the unutilised quantity during the next cycle and deduction of 20 per cent, 30 per cent, and so on, of the environmental compensation collected is to be made in case of utilisation of ash in subsequent cycles.

D. Procedure for supply of ash or ash based products.—

- (1) The owner of thermal power plants or manufacturers of ash bricks or tiles or sintered ash aggregate shall serve written notice to persons or agencies who are liable to utilise ash or ash based products, offering for sale, or transport or both.
- (2) Persons or user agencies who have been served notices by owner of thermal power plants or manufacturers of ash bricks or tiles or sintered ash aggregate, if they have already tied up with other agencies for the purpose of utilisation of ash or ash products, shall inform the thermal power plant accordingly, if they cannot use any ash or ash products or use reduced quantity.

E. Enforcement, Monitoring, Audit and Reporting.—

- (1) The Central Pollution Control Board (CPCB) and the concerned State Pollution Control Board (SPCB) or Pollution Control Committee (PCC) shall be the enforcing and monitoring authority for ensuring compliance of the provisions and shall monitor the utilisation of ash on quarterly basis. Central Pollution Control Board shall develop a portal for the purpose within six months of date of publication of the notification. The concerned District Magistrate shall have concurrent jurisdiction for enforcement and monitoring of the provisions of this notification.
- (2) (i) Thermal power plants shall upload monthly information regarding ash generation and utilisation by 5th of the next month on the web portal. Annual implementation report (for the period 1st April to 31st March) providing information about the compliance of provisions in this notification shall be submitted by the 30th day of April, every year to the Central Pollution Control Board, concerned State Pollution Control Board or Pollution Control Committee (PCC), Central Electricity Authority (CEA), and concerned Integrated Regional Office of Ministry of Environment, Forest and Climate Change by the coal or lignite based thermal power plants. Central Pollution Control Board and Central Electricity Authority shall compile the annual reports submitted by all the thermal power plants and submit to Ministry of Environment, Forest and Climate Change by 31st May.

(ii) All other user agencies shall submit consumption or utilisation or disposal of ash and use of ash based products as mandated in this notification in the compliance report of Environmental Clearance (EC) issued by Ministry of Environment, Forest and Climate Change or State Level Environment Impact Assessment Authority (SEIAA) or Consent to Operate (CTO) issued by State Pollution Control Board (SPCB) or Pollution Control Committee (PCC), whichever is applicable. The Central Pollution Control Board (CPCB) or State Pollution Control Board (SPCB) or Pollution Control Committee (PCC) shall publish annual report of ash utilisation of all other agencies except thermal power plants to review the effective implementation of the provisions of the notification.
- (3) For the purpose of monitoring the implementation of the provisions of this notification, a committee shall be constituted under the Chairperson, Central Pollution Control Board (CPCB), with members from Ministry of Power, Ministry of Coal, Ministry of Mines, Ministry of Environment, Forest and Climate Change, Ministry Road Transportation and Highways, Department of Heavy Industry as well as any concerned stakeholder(s), to be nominated by the Chairman of the committee. The committee may make recommendations for effective and efficient implementation of the provisions of the notification. The committee shall meet at least once in six months and review annual implementation reports and the committee shall also hold stakeholder consultations for monitoring of ash utilisation as mandated by this notification by inviting relevant stakeholder(s) at least once in six months. The committee shall submit the six monthly report to Ministry of Environment, Forest and Climate Change (MoEFCC).

- (4) For the purpose of resolving disputes between thermal power plants and users of ash or manufacturer of ash based products, the State Governments or Union territory administration constitute a Committee within three months from the date of publication of this notification under the Chairman, State Pollution Control Board (SPCB) or Pollution Control Committee (PCC) with representatives from Department of Power, and one representative from the Department which deals with the subject of concerned agency with which dispute is made.
- (5) The compliance audit for ash disposal by the thermal power plants and the user agency shall be conducted by auditors, authorised by Central Pollution Control Board (CPCB) and audit report shall be submitted to Central Pollution Control Board (CPCB) and concerned State Pollution Control Board (SPCB) or Pollution Control Committee (PCC) by 30th November every year. Central Pollution Control Board (CPCB) and concerned State Pollution Control Board (SPCB) or Pollution Control Committee (PCC) shall initiate action against non-compliant thermal power plants within fifteen days of receipt of audit report.

[F. No. HSM-9/1/2019-HSM]

NARESH PAL GANGWAR, Jt. Secy.

AnnexureAsh Compliance Report (for the period 1st April-31st March) to be submitted on or before 31st May.

Sl. No.	Details	
1.	Name of Power Plant	
2.	Name of the company	
3.	District	
4.	State	
5.	Postal address for communication:	
6.	E-mail:	
7.	Power Plant installed capacity (MW):	
8.	Plant Load Factor (PLF):	
9.	No. of units generated (MWh):	
10.	Total area under power plant (ha): (including area under ash ponds)	
11.	Quantity of coal consumption during reporting period (Metric Tons per Annum):	
12.	Average ash content in percentage (per cent):	
13.	Quantity of current ash generation during reporting period (Metric Tons per Annum): Fly ash (Metric Tons per Annum): Bottom ash (Metric Tons per Annum):	
14.	Capacity of dry fly ash storage silo(s) (Metric Tons) :	
15.	Details of utilisation of current ash generated during reporting period (a) Total quantity of current ash utilised (MTPA) during reporting period: (b) Quantity of fly ash utilised (MTPA): (i) Fly ash based products (bricks or blocks or tiles or fibre cement sheets or pipes or boards or panels) (ii) Cement manufacturing:	

	<ul style="list-style-type: none"> (iii) Ready mix concrete: (iv) Ash and Geo-polymer based construction material: (v) Manufacturing of sintered or cold bonded ash aggregate: (vi) Construction of roads, road and fly over embankment: (vii) Construction of dams: (viii) Filling up of low lying area: (ix) Filling of mine voids: (x) Use in overburden dumps: (xi) Agriculture: (xii) Construction of shoreline protection structures in coastal districts; (xiii) Export of ash to other countries: (xiv) Others (please specify): <p>(c) Quantity of bottom ash utilised (MTPA):</p> <ul style="list-style-type: none"> (i) Fly ash based products (bricks or blocks or tiles or fibre cement sheets or pipes or boards or panels): (ii) Cement manufacturing: (iii) Ready mix concrete: (iv) Ash and Geo-polymer based construction material: (v) Manufacturing of sintered or cold bonded ash aggregate: (vi) Construction of roads, road and flyover embankment: (vii) Construction of dams: (viii) Filling up of low lying area: (ix) Filling of mine voids: (x) Use in overburden dumps: (xi) Agriculture: (xii) Construction of shoreline protection structures in coastal districts: (xiii) Export of ash to other countries: (xiv) Others (please specify): <p>Total quantity of current ash unutilised (MTPA) during reporting period:</p>	
16.	Percentage utilisation of current ash generated during reporting period (per cent):	
17.	<p>Details of disposal of ash in ash ponds</p> <ul style="list-style-type: none"> (a) Total quantity of ash disposed in ash pond(s) (Metric Tons) as on 31st March (excluding reporting period): (b) Quantity of ash disposed in ash pond(s) during reporting period (Metric Tons): (c) Total quantity of water consumption for slurry discharge into ash ponds during reporting period (m³): (d) Total number of ash ponds: <ul style="list-style-type: none"> (i) Active: (ii) Exhausted (yet to be reclaimed): (iii) Reclaimed: (e) total area under ash ponds (ha): 	
18.	<p>Individual ash pond details</p> <p><i>Ash pond-1,2, etc (please provide below mentioned details separately, if number of ash ponds is more than one)</i></p> <ul style="list-style-type: none"> (a) Status: Under construction or Active or Exhausted or 	

	<p>Reclaimed</p> <p>(b) Date of start of ash disposal in ash pond (DD/MM/YYYY or MMYYYY):</p> <p>(c) Date of stoppage of ash disposal in ash pond after completing its capacity (DD/MM/YYYY or MM/YYYY): (Not applicable for active ash ponds)</p> <p>(c) area (hectares):</p> <p>(d) dyke height (m):</p> <p>(d) volume (m³):</p> <p>(e) quantity of ash disposed as on 31st March (Metric Tons):</p> <p>(f) available volume in percentage (per cent) and quantity of ash can be further disposed (Metric Tons):</p> <p>(g) expected life of ash pond (number of years and months):</p> <p>(e) co-ordinates (Lat and Long): (please specify minimum 4 co-ordinates)</p> <p>(f) type of lining carried in ash pond: HDPE lining or LDPE lining or clay lining or No lining</p> <p>g) mode of disposal: Dry disposal or wet slurry (in case of wet slurry please specify whether HCSD or MCSD or LCSD)</p> <p>(h) Ratio of ash: water in slurry mix (1:___):</p> <p>(i) Ash water recycling system (AWRS) installed and functioning: Yes or No</p> <p>(j) Quantity of wastewater from ash pond discharged into land or water body (m3):</p> <p>(k) Last date when the dyke stability study was conducted and name of the organisation who conducted the study:</p> <p>(l) Last date when the audit was conducted and name of the organisation who conducted the audit:</p>									
19.	<p>Quantity of legacy ash utilised (MTPA):</p> <ol style="list-style-type: none"> i. Fly ash based products (bricks or blocks or tiles or fibre cement sheets or pipes or boards or panels): ii. Cement manufacturing: iii. Ready mix concrete: iv. Ash and Geo-polymer based construction material: v. Manufacturing of sintered or cold bonded ash aggregate: vi. Construction of roads, road and flyover embankment: vii. Construction of dams: viii. Filling up of low lying area: ix. Filling of mine voids: x. Use in overburden dumps: xi. Agriculture: xii. Construction of shoreline protection structures in coastal districts; xiii. Export of ash to other countries: xiv. Others (please specify): 									
20.	<p>Summary:</p> <table border="1" data-bbox="288 1935 1401 2009"> <thead> <tr> <th data-bbox="288 1935 579 2009">Details</th> <th data-bbox="579 1935 866 2009">Quantity generated (MTP)</th> <th data-bbox="866 1935 1134 2009">Quantity utilised (MTP) and (per cent)</th> <th data-bbox="1134 1935 1401 2009">Balance quantity (MTP)</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	Details	Quantity generated (MTP)	Quantity utilised (MTP) and (per cent)	Balance quantity (MTP)					
Details	Quantity generated (MTP)	Quantity utilised (MTP) and (per cent)	Balance quantity (MTP)							

	Current ash during reporting period			
	Legacy ash			
	Total			
21.	Any other information: Soft copy of the annual compliance report, and shape files of power plant and ash ponds may be e-mailed to:- moefcc-coalash@gov.in			
22.	Signature of Authorised Signatory			


TRUE COPY

ANNEXURE R5/3 (COLLY.)**PRAYAGRAJ POWER
GENERATION COMPANY LTD.**

Ref: PPGCL/Contracts/AKB/FY22/F-503

Dated: 13th Dec 2021**Ram Raj Sigh**
Akauriya Bara
Prayagraj**Kind Attn: Ram Raj Singh****Sub: Letter of Intent (LOI) for Excavation, Transportation and Stowing of pond ash outside the plant premises in abandon ash mines****Ref: Enquiry Ref No: PPGCL/Contracts/AKB/FY22/F-503 dated: 29th Nov 2021 and Minutes of Meeting dated: 07th Dec 2021**

Sir,

With reference to our Enquiry Ref No: PPGCL/Contracts/AKB/FY22/F-503 dated: 29th Nov 2021, PPGCL management is pleased to award the contract to Ram Raj Singh on following Terms & Conditions:**1. Brief Scope of Work:**

The Scope of Work shall include but not limited to provide services for excavation of ash from pond, Transportation of pond ash and Stowing of pond ash outside the plant premises in abandon ash mines with requisite strength, tools & tackles, consumables and heavy machineries as mentioned in RFQ.

2. Price Basis:The Total Contract Price for the entire Scope of Work with Rs 171/MT basis shall be **Rs. 342,00,000 /-** (**Indian Rupees Three Crores Forty-Two Lakhs only**). GST on basic amount shall be paid extra. Current Rate being 5%.

The Contract Price and currency of Contract shall remain firm & fixed for the entire duration of the Contract.

3. Completion ScheduleThe Effective Date (ED) of Contract shall be the 14th Dec 2021. The Contract shall be for lifting of 2.0 Lakh MT of ash within 2 months including mobilization from Commencement Date.

Complete mobilization at site with requisite and trained resources shall be within 15 days of Effective Date. The date of full mobilization at Site shall be treated as Commencement Date and submission of RA bills post commencement date shall be considered for payment.

4. Terms of Payment:

All payments due to the Contractor shall be made only after deduction of LDs / TDS etc. as applicable. Bidder will raise their RA based on executed work after every 15 days in the month. (i.e max 2 no. of RA bills). Payment due to bidder shall be made on 30 days credit term basis from the date of receipt of commercially clear and error-free invoices to be submitted with RA bills duly certified by the Officer-in-Charge for having performed the services satisfactorily. All payments due to the bidder shall be made only after deduction of LDs / TDS etc. as applicable terms.

Page 1 of 2
TRUE COPY


5. Liquidated Damages:
LD for Shortfall in Performance:

Bidder will pay liquidated damages for shortfall in performance / SLAs If the average evacuation & lifting is less than 4,000 cubic meter / day, 1% LD would be applicable for every 1% reduction in average evacuation with max capped at 10%.

6. Bank Guarantees:

Bidder agreed to submit within 15 days of Effective Date an unconditional irrevocable bank guarantee toward contract performance payable on demand duly stamped strictly as per the prescribed format of PPGCL for a sum equivalent to 10% of the Contract Price valid for the Contract Period and with a claim period of not less than 6 months beyond the expiry of Contract Period. Equivalent amounts shall be retained from bills in case of non-submission of BG within 15 days of ED. BG amount shall be forfeited against non-performing/completion of job.

We request you to return the enclosed duplicate copy of this LOI duly signed, acknowledging the receipt and acceptance of this LOI.

This LOI is issued to enable you to proceed further with commencement of work at the earliest. Detail Order shall be issued 1-2 days post this LOI.

Thanking you,

For and on behalf of
 Prayagraj Power Generation Company Limited,

Brajesh Singh
 Brajesh Singh
 (Authorized Signatory)

Acceptance of LOI by Contractor:

We hereby unconditionally accept this Letter of Award by affixing signature as under:

For and on behalf of
Ram Raj Singh

Ram Raj Singh
 (Authorized Signatory)

13.12.2021

WORK ORDER

VENDOR DETAILS	ORDER DETAILS
Vendor Code : 160000050 RAMRAJ SINGH AKAURIYA, BARA PRYAGRAJ: 212107,India Attn : Tel : 8887655690 E-mail : Vendor GST No.: 09GAHPS4004M1Z9 Vendor PAN No. GAHPS4004M	Work Order Ref : 6000000768 Date : 27.01.2022 Currency : INR Company Representative : Mr. AKSHAY KUMAR Email : akshay.kumar@ppgcl.co.in Our Reference No : Contractor's Quote reference : OLA Reference No :- NA Company GST No: 09AAECP2746B1ZM

Excavation, Loading, Transporting and Backfilling of Abandoned Mine Outside Plant Premises

The Work Order constitutes Company's offer to Contractor upon the terms and conditions stated herein and shall become a binding Contract, when it is accepted either by Contractor's acknowledgement or performance. The Work Order expressly limits acceptance to the terms and conditions stated herein. Any additional or different terms or conditions proposed by Contractor are objected to and hereby rejected, including without limitation, Contractors quotation or acknowledgement forms. Any reference in the Work Order to Contractors quotation or proposal does not imply acceptance of any terms or conditions in that quotation or proposal. It is important that Contractor signs and returns the Work Order copy within (3) days of receipt. No other forms of acceptance will be accepted. Failure to return the acceptance does not diminish the responsibilities as set forth herein, but may result in delay to any payment that may be due to and may be a cause of termination of this Work Order.

TOTAL ORDER VALUE (Exclusive of all taxes, levies and duties) : INR 3,42,00,000.00.

In words: (Rupees Three crore forty two lakh only).

For Prayagraj Power Gn.Co.Ltd	CONTRACTOR'S ACCEPTANCE
Signature: _____ Name: _____ Approver Name : BRAJESH SINGH Designation : ALL 	Signature: _____ Name: M/S Ram Raj Singh Designation : Proprietor मे० रामराज सिंह 502A बक्सी खुर्द, दारागंज प्रयागराज
This Purchase Order/Contract will be executed / suspended and, managed till Contract completion/commissioning of the work by order Manager (details below). Order Manager: Mr. Rahul Sangale	

WORK ORDER DETAILS

WORK ORDER 6000000768

PRICE SCHEDULE

Item No.	HSN/SAC Code	Service Description	Qty	UOM	Unit Price	Amount
10	996511(5)	Ash Lifting From Dyke 1/2 Dump to IN: Central GST -ND 2.5 % IN: State GST -ND 2.5 %	1.000	AU	3,42,00,000.00	34200000.00

This item includes the following services:

S.No	HSN/SAC Code	Service Code	Service Description	Qty	UOM	Unit Price	Amount
10.10	996511(5)	4010605	CISE, LIFTING FLY ASH	200,000	MT	171.00	3,42,00,000.00
Total Order Value (Exclusive of all taxes, levies and duties)							3,42,00,000.00

Total Order Value : Rupees Three crore forty two lakh only (Exclusive of all taxes, levies and duties).

COMMERCIAL CONDITIONS**1. Scope :**

Detail scope of works is enclosed as annexure 1

2. Price Basis :

This is a unit rate contract with all the services to be delivered at PPGCL site with inclusive of deployment of heavy machinery, tools & tackles, consumable like diesel for means of transport, spares incl. soft spares for bidder's own machinery and requisite and trained resources including cost of mobilization and de mobilization. The prices shall remain firm and fixed during the Contract Period and no variation of any kind (except statutory variations taxes & duties as provisioned in the GCC) shall be admissible.

All the expenses related to environmental non-compliance and for any other non-compliance task, shall be beared by bidder. No additional charge shall be payable beyond agreed charges.

3. Completion Schedule/Service to be performed at :

The Effective Date (ED) of Contract shall be the date of issue of LOI/PO whichever is earlier. The Contract shall be for lifting of 2.0 Lakh MT of ash within 2 months including mobilization from Commencement Date. Bidder has agreed to mobilize Site completely with requisite and trained resources within 15 days of Effective Date. The date of full mobilization at Site shall be treated as Commencement Date and submission of RA bills post commencement date shall be considered for payment.

4. Payment Terms :

30 days From GR date w/o Retention

Bidder will raise their RA based on executed work after every 15 days in the month. (i.e max 2 no. of RA bills). Payment due to bidder shall be made on 30 days credit term basis from the date of receipt of commercially clear and error-free invoices to be submitted with RA bills duly certified by the Officer-in-Charge for having performed the services satisfactorily. All payments due to the bidder shall be made only after deduction of LDs / TDS etc. as applicable terms.

Either BG or retention @10% shall be retained.

5. Taxes and Duties :

WORK ORDER DETAILS	
WORK ORDER	6000000768

Quoted prices are excluding only GST which shall be payable extra as per applicable rates, current rate being 5%. No other taxes, duties, cess etc. payable and shall be deemed to be included in the price mentioned above.

6. Anti Profiteering Clause:

Notwithstanding anything contained in the Contract, in the event of introduction of any new legislation or any change or amendment or enforcement of any Act or Law, or any change in the interpretation by the Supreme Court of India of any said Act or law, rules or regulations of Government of India or State Government(s) or Public Body which becomes effective after the bid date to the completion of work including defect liability period, if any, which results in any decrease in the cost of the works through reduced liability of taxes & duties, increase in the input tax credits, the Supplier shall pass on the benefits of such reduced cost, taxes or duties to Prayagraj Power Gn.Co.Ltd to the extent which is directly attributable to such introduction of new legislation or change or amendment as mentioned above as per Anti-profiteering Rules, 2017, hereby, "Tax" or "tax" shall include taxes, duties, levies, cess and similar imposts by whatever name called whether in the nature of

7. Compliance of Local Laws:

The Contractor shall be fully responsible for the due compliance by him and his sub-contractors with all statutory requirements and with all applicable labour laws including Contract Labour Abolition and Regulation Act, Workmen's Compensation Act, P.F./E.S.I., Labour welfare fund, Act, etc. as may be applicable to the Contractor, the sub-contractors and their employees. The locations where Allied Manpower Management System (On-line system) has been implemented, the Contractor shall ensure necessary declarations and documents are provided in the system, as per the role of the Contractor envisaged in the system.

The Contractor should get in touch with the local HR/IR/ES&A teams for completion of Statutory compliances before start of the work. The contractor should also ensure that he provides correct and complete PF compliance data for a wage month in the format provided by the HR/IR/ES&A teams on or before 15th of the subsequent month, failing which penalty of 1% of the value of the Invoice, per day of delay would be deducted from the Invoice raised. Further, the management will also have a right to suspend the work in case of delay in submitting the PF data.

All other compliances required by HR/IR/ES&A teams should also be provided as per timelines.

The Contractor shall fully indemnify and save harmless the Owner from and against all claims, demands, expenses, losses, liabilities, charges, actions, suits and proceedings whatsoever including claims under aforesaid Acts and laws which may be brought or made against the Owner, its Officers or servants by reason or in consequence of any matter or thing done or omitted or delaying the submission of data by the Contractor and/ or its sub-contractors and all costs, charges and expenses which may become payable by the Owner in respect thereof.

8. Performance Parameters & Deductions due to non compliance :

LD is on 2.0 Lakh MT of ash within order period i.e 31.01.2023. including dewatering of mines

* No daily Target

* Every 1% shortfall Qty, LD of 1% on Total Order Value and max upto 10%

9. Order Manager :

This order shall be managed by Mr. Rahul Sangale from Owner. You are requested to contact him/her for further queries related to execution.

10. Contract Performance Bank Guarantee :

Bidder agreed to submit within 15 days of Effective Date an unconditional irrevocable bank guarantee toward contract performance payable on demand duly stamped strictly as per the prescribed format of PPGCL for a sum equivalent to 10% of the Contract Price valid for the Contract Period and with a claim period of not less than 6 months beyond the expiry of Contract Period. Equivalent amounts shall be retained from bills in case of non-submission of BG within 15 days of ED. BG amount shall be forfeited against non-performing/completion of job.

WORK ORDER DETAILS	
WORK ORDER	6000000768

11. Order of Precedence :

In the event of conflict between the provision of this order along with its attachments and annexure, the following order of precedence shall apply so that the conflicting provision(s) in the document lower in the order of precedence set out below shall give way to the conflicting provision(s) in the document higher in the order of precedence, namely:

1. Work Order (with 'Commercial Conditions')
2. Special Terms and conditions
3. General Terms and conditions
4. Technical Specification

12. Modifications to the General Conditions of Contract :

1. LD is on 2.0 Lakh MT of ash within order period i.e 31.01.2023. including dewatering of mines

* No daily Target

* Every 1% shortfall Qty, LD of 1% on Total Order Value and max upto 10%

2. Bidder agreed to submit within 15 days of Effective Date an unconditional irrevocable bank guarantee toward contract performance payable on demand duly stamped strictly as per the prescribed format of PPGCL for a sum equivalent to 10% of the Contract Price valid for the Contract Period and with a claim period of not less than 6 months beyond the expiry of Contract Period. Equivalent amounts shall be retained from bills in case of non-submission of BG within 15 days of ED. BG amount shall be forfeited against non-performing/completion of job.

3. Bidder shall take all necessary insurances of adequate value to cover all its manpower / material / resources including 3rd party general liability insurance / workmen compensation policy as applicable. In the event of any loss or damages or any accident etc., Bidder shall make all claims directly with his insurer. Any difference between the claims settled and the actual value of loss shall be borne by Bidder. Bidder will bear the additional costs for replacements if any and ensure timely delivery as mutually agreed.

4. Bidder shall arrange for boarding & lodging of all personnel outside the plant premises at his own cost. The quoted prices are deemed to be inclusive of boarding & lodging, travel costs, local conveyances of any nature and no separate payment on any of these accounts admissible.

5. Bidder has agreed to comply with all Safety Terms and Conditions of PPGCL annexed to the GCC while working inside PPGCL premises. All PPEs as per the work / job scope requirement shall be provided by Bidder at his own cost.

6. Bidder confirmed that he has the PF & ESI registration and will comply with all statutory requirements and submit documentary evidence towards the same. This will include monthly wages register, PF & ESI challans for demonstrating compliance for minimum wages, PF & ESI for each individual employee in accordance with the wage register. The compliance statement with supporting challans will be submitted every month as per the deadlines prescribed by PPGCL. PF, ESI & other statutory compliance of the previous month must be attached with the Invoice of any given month for release of service payments.

7. The service provider shall get itself registered under Acts/rules as may be applicable and shall obtain/renew its licenses, if required within the contract period of this agreement and a copy of the same will be provided to PPGCL record. Renewed copy of the said licences as applicable shall be submitted within 7 days of its due date to the concerned person in HR & IR personnel.

8. Bidder confirmed acceptance to all clauses of Special Conditions of Contract (SCC). Bidder also confirmed acceptance to PPGCL General Conditions of Contract – Supplies and PPGCL General Conditions of Contract – Services as applicable.

a) No-Objection Certificate (NOC) to be submitted by bidder issued by Up Pollution Control Board before mobilization/ execution of contract.

b) Bidder will manage all the lightening, DG set arrangement for execution of works.

c) Repair and maintenance of bidder's machinery and equipment shall be in bidder scope. All the spares and consumable which will go inside the bidder's machinery shall be managed by bidder.

d) Ash shall be weighted and measures at installed in motion weigh at inside plant near to material gate. In case of non-functional of running weigh bridge, PPGCL will also allow the weigh bridge installed near 50KT silo.

e) Loading of ash on each vehicle shall be under permissible limits formulated by UP Govt. RTO guidelines.

13. Annexure

Scope of works

WORK ORDER DETAILS

WORK ORDER 6000000768

S.No	HSN/SAC Code	Service Code	Short Description	Long Description	Qty	UOM	Delivery Date
10.10	996511(5)	4010605	CISE, LIFTING FLY ASH	CISE, LIFTING FLY ASH	200,000	MT	31.01.2023

Annexure: A: Scope of Works

Excavation, Loading, Transporting and Stowing of ash in Low Land Area/Mine

- The agency shall lift ash from the ash pond as per the location shown by order manager on as is where is basis.
- All requisite approval from competent authority shall be taken for backfilling of Low land area mines through ash, overburden and soil.
- All the machinery, heavy vehicles, hywa and other required vehicle if any shall be in agency's scope. The agency shall have all the required valid certificates, PUC and equipped with safety systems viz. seat belt, back horn, light etc. of the vehicle deployed. The vehicle shall be in healthy condition and there shall be no leakages (to avoid any fugitive emission) from the body part. The agency shall be responsible for any deviation and shall follow all the required safety guidelines and checklist of PPGCL before deploying the resources.
- Contractors shall indemnify Owner (PPGCL) from all losses, damages, claims etc. including attorney fees arising out of statutory requirements, acts of omissions, defaults, accidents, injuries including death in relation to the operation and movement of Vehicles (filled with fly ash or empty) within or outside Owner plant premises.
- Contractor shall be solely responsible for any non-compliance or any untoward incidents/accidents etc. Owner shall not be held responsible for any non-compliance or any other incidents/accidents out of movement of vehicles on road and in their Plant premises during loading, transportation & unloading of Fly Ash.
- If any incident/accident occurs within Owner premises or at any other places during the transportation of Fly Ash by Vehicle, Contractor shall settle all such issues/claims directly with the concerned third parties.
- The agency shall strictly follow the guidelines of MoEF&CC/CPCB/SPCB for loading, unloading, transporting and backfilling of Low land area mine quarry with fly ash issued time to time and its amendment as applicable.
- PPGCL shall not be responsible for any statutory non-compliance arising out of the backfilling of the mines at any point of time.
- The agency will also keep updating about work progress to concerned competent authority and to PPGCL from time to time once the backfilling is started.
- The ash shall not be used for any purpose other than backfilling of the approved mine void.
- Contractor shall abide by all the terms and conditions indicated in Contractor Safety Management policy.
- Contractor shall furnish plan of monthly quantity fly ash offtake.
- Contractor shall also submit a list of vehicles to be deployed by them for the ensuing month for approval of Owner. Such list of vehicles shall be submitted on 21st of the preceding month with the latest details of Vehicle Nos., Driver names, Helper name

(along with identity / address proof as demanded by Owner) etc. PPGCL may ask documents of vehicles, drivers and helpers viz. Registration Certificate (RC) Book, Road Permit, Road Tax Receipt, Insurance Policy, Pollution Certificate, Driver's License, Driver / Helper identity and address proof etc. before the vehicle entry into the plant premises.

- No loading shall be allowed by Contractor to vehicles suspended by Owner for safety violation.
- Contractor shall ensure that their representatives within the Plant have Valid gate pass. Contractor representative without gate pass shall not be allowed within Plant.
- Contractor shall ensure that their representatives / Vehicle owners, drivers or helpers do not interfere in the functioning of the Plant activities.
- Contractor shall ensure road safety measures, speed control, etc. for the movement of vehicles from Plant to end point / intermediate points and to form a Coordination Committee to ensure unrestricted movement of vehicles from plant and to address the issues of public grievances if any.
- All machinery, tools & tackles, manpower and equipment's required for the listed job as above will be fully arranged by the Contractor at their own cost.
- No Objection certificate (NOC) issued by UP Pollution Control board, within 10 days prior to start transportation & backfilling of Low land area mine void to be submitted to PPGCL.
- For arrangement of light in workstation like Ash Dyke etc in bidder scope, Bidder shall arrange DG set for arrangement of light.
- Any type of maintenance and breakdown for vehicle and equipment in bidder's scope.
- Work shall be carried-out round the clock as per the work requirement.
- CFT shall visit the site post completion of the contract to check the ash dumping to release final payment.
- All expenses in relation to environmental non-compliance or any other non-compliance of whatever nature has to be borne by the bidder only. PPGCL at any point will not be responsible for any expenses of such nature.
- All ash lifting will be measured through weighbridge installed near material Gate and payment will be done on MT basis on production of weighment-slip of each Hywas.
- Making of temporary approach inside Plant and at mines area for ash hywas transportation is in vendor's scope.

General Terms and Conditions:

- All safety PPE's for vehicle drivers/helpers within plant premises will be in scope of vendor e.g. safety shoe, safety helmet, dust mask, safety goggles, reflective jacket etc. including GCC and Contract safety management policy as applicable.
- Contractor shall ensure that openings/lids of Vehicles is closed and properly locked during transportation of fly ash.
- Contractor shall be responsible to resolve / manage all issues arising out for Fly
- Ash transportation end to end i.e. from Plant end to user end and Bidders should indemnify the owner from any issues/ claims arising out of the same.

LD for Shortfall in Performance / Incentive for good performance:

For every 1% reduction in quantity below 90 % than the monthly target quantity of 75,000 MT for the entire contract period, LD shall be applicable @ 1 % of total contracted value with the maximum cap of LD up to 10 % of total contract value.

Stowing guidelines

Transportation of fly ash:

- Tankers/ bulkers or mechanically designed covered Trucks need to be used.
- In no case, flyash or bottom ash shall be transported by open trucks / trollies irrespective of distance or end use. To ensure that fly ash or bottom ash is transported in environmentally sound manner.
- Arrangement shall be made for (two stages) for washing of wheels of the vehicles (bulkers/trucks) before deployed for fly ash transportation at loading and unloading point.
- No fugitive emission shall be generated during transportation.
- Adequate free board in trucks should be kept to avoid overflow/spillage during transportation
- In case of any spillage enroute during transportation of fly ash, the agency shall ensure that spilled ash is collected and transported to the disposal/usage site immediately.
- All the bulkers and trucks responsible for carrying fly ash should be with valid Pollution Under Control certificates.
- Provision should be preferably made for weighing of fly ash loaded into tankers/ railway wagons/bulkers etc.
- The speed limit of vehicles carrying flyash should be strictly enforced and it should not exceed 40 km per hour
- Transportation of flyash through thickly populated areas should be avoided as far as possible.
- General awareness/ training programmes be organised regularly for tanker operating staff like drivers and cleaners on the impact of hazards of fly ash.
- Vehicle shall be weighed before and after loading ash before exit from PPGCL premises

- All vehicle shall be fitted with GPS system and the cost of system shall be borne by agency. PPGCL shall suggest the name of the competent agency for the GPS system.

Stowing:

- The soil required for soil cover shall be excavated from land fill site itself and kept separately before taking for ash filling.
- No fugitive emission shall be generated during operation and water sprinkling shall be done regularly.
- Appropriate measures should be taken to prevent entry of cattle/livestock inside the disposal area during execution period.
- Care shall be taken to avoid any kind of nuisance / inconvenience to the public due to such dumping / filling activities.
- Water sprinkling for dust suppression during handling of Ash shall be ensured from being air borne.
- The area of filling ash shall be specifically earmarked and the same shall be marked on the plan and dumping fly ash shall be carried out accordingly.
- The entire area meant to receive the ash and earth filling shall be stripped to a depth of minimum 150 mm. All organic matter, vegetation, roots, stumps, bushes, rubbish, swamp materials, etc. shall be removed from the site. The stripping material and other unsuitable materials as referred above shall be kept far away from the area to be filled up so that these do not get mixed up with filling material.
- If the area happens to be waterlogged, ground water table of site shall be lowered by dewatering the same so that proper compaction of fill material at around optimum moisture content can be ensured.
- The base of the identified filling area shall be single layered lined with 3% gypsum+3% lime +94 % flyash with optimum moisture content 10-12% can be provided after the preparation of the site, which is going to act as a liner.
- The fly ash shall be dumped in alternate layers/stages with overburden and fly ash. Each layer/stage shall be adequately compacted by dozing. Earth over on side slopes shall be laid simultaneously with the laying of compacted ash layers as well as on the top of ash surface shall be firstly covered with 300mm OB/earth.
- No fugitive emission shall be generated during the process and proper water sprinkling shall be done.
- The compaction of each layer shall be carried out so as to achieve in –situ dry density not less than 95% of maximum dry density (MDD) of the material found out as per I.S 2720 (Part VII). To achieve the 95% compaction level use of vibratory rollers shall be made.
- At the top of the dump i.e. at the final stage, the dump shall be covered with 500 mm thick good soil and adequately compacted by dozing. Adequate precaution against rain fall (No rain cuts) shall be taken and plantation shall be done.
- After complete reclamation of the site, sign board shall be kept indicating the low lying land / Low land area quarry has been reclaimed with ash. This will help to propagate the message of mine void using ash.


TRUE COPY



ANNEXURE R5/4 (COLLY.)

UTTAR PRADESH POLLUTION CONTROL BOARD

Building. No TC-12V Vibhuti Khand, Gomti Nagar, Lucknow-226010

Phone:0522-2720828,2720831, Fax:0522-2720764, Email: info@uppcb.com, Website: www.uppcb.com

CONSENT ORDER

Ref No. -
144771/UPPCB/Allahabad(UPPCBRO)/CTO/water/PRAYAGRAJ/2021

Dated : 18/12/2021

To ,

Shri RAM RAJ
M/s RAMRAJ SINGH
BHUKHAND NO. 180, PUREBAIJNATH, BARA, PRAYAGRAJ,PRAYAGRAJ,
PRAYAGRAJ

Sub : Consent under Section 25/26 of The Water (Prevention and control of Pollution) Act, 1974 (as amended) for discharge of effluent to M/s. RAMRAJ SINGH

Reference Application No :14404477

Dated :18/12/2021

1. For disposal of effluent into water body or drain or land under The Water (Prevention and control of Pollution) Act,1974 as amended (here in after referred as the act) M/s. RAMRAJ SINGH is hereby authorized by the board for discharge of their industrial effluent generated through ETP for irrigation/river through drain and disposal of domestic effluent through septic tank/soak pit subject to general and special conditions mentioned in the annexure ,in reference to their foresaid application .
2. This consent is valid for the period from 18/12/2021 to 31/07/2023 .
3. In spite of the conditions and provisions mentioned in this consent order UP Pollution Control Board reserves its right and powers to reconsider/amend any or all conditions under section 27(2) of the Water (Prevention and Control of Pollution) Act, 1974 as amended .

This consent is being issued with the permission of competent authority .

RAMESH
KUMAR
SINGH

Digitally signed by
RAMESH KUMAR
SINGH
Date: 2021.12.18
12:25:13 +05'30'

For and on behalf of U.P. Pollution Control Board

R.O., UPPCB PRAYAGRAJ.

Enclosed : As above
(condition of consent):

Copy to: CEO-2, UPPCB LUCKNOW.

RAMESH
KUMAR SINGH

Digitally signed by
RAMESH KUMAR SINGH
Date: 2021.12.18
12:25:28 +05'30'

R.O., UPPCB PRAYAGRAJ.


TRUE COPY

U.P. POLLUTION CONTROL BOARD, LUCKNOW

Annexure to Consent issued to M/s.RAMRAJ SINGH vide

Consent Order No. 14404477/ Water

Dated : 18/12/2021

CONDITIONS OF CONSENT

1. This consent is valid only for the approved production capacity of FLY ASH, SOIL. .
2. The quantity of maximum daily effluent discharge should not be more than the following :

Effluent Discharge Details			
S.No	Kind of Effluent	Maximum daily discharge,KL/day	Treatment facility and discharge point
1	Domestic	3.0 KLD	Septic Tank

3. Arrangement should be made for collection of water used in process and domestic effluent separately in closed water supply system. The treated domestic and industrial effluent if discharged outside the premises, if meets at the end of final discharge point, arrangement should be made for measurement of effluent and for collecting its sample. Except the effluent informed in the application for consent no other effluent should enter in the said arrangements for collection of effluent. It should also be ensured that domestic effluent should not be discharged in storm water drain .
- 4(a) The domestic effluent should be treated in treatment plant so that the should be in conformity with the following norms dated treated effluent .

Domestic Effluent		
S.No	Parameter	Standard

- 4(b). The industrial effluent should be treated in treatment plant so that the treated effluent should be in conformity with the following norms. .

Industrial Effluent		
S.No	Parameter	Standard

5. Effluent generated in all the processes, bleed water, cooling effluent and the effluent generated from washing of floor and equipments etc should be treated before its disposal with treated industrial effluent so that it should be according to the norms prescribed under The Environment (Protection) Act,1986 or otherwise mandatory .
6. The other pollutant for which norms have not been prescribed, the same should not be more than the norms prescribed for the water used in manufacturing process of the industry .
7. The method for collecting industrial and domestic effluent and its analysis should be as per legal Indian standards and its subsequent amendments/standards prescribed under The Environment (Protection) Act, 1986.
8. The treated domestic and industrial effluent be mixed (as per the provisions of Condition No. 2) and disposed of on one disposal point. This common effluent disposal point should have arrangement for flow meter/V Notch for measuring effluent and its log book be maintained .
9. The Unit will file the renewal application at least 2 months prior to the expiry of this Order.

Specific Conditions:

1. This CTO is valid for Back filling of Ash (Received from PPGCL) and Soil in Bhukhand No. 180, Purebajjnath, Bara, Prayagraj.
2. Unit is directed to submit Ambient Air Quality Monitoring Report in every quarter done by approved laboratory.
3. Unit will ensure green belt area in premises.
4. The unit is directed to transport fly ash in covered manner.
5. Unit is directed to submitted analysis report of ground water regarding heavy metals.
6. This CTO is subjective to mining officer Letter No. 584/khanij/2020-21 DATED 12.02.2021
7. Unit is directed to comply the conditions of LOI between PPGCL & M/S RAMRAJ SINGH.
8. Unit will ensure to comply the provisions of E (P) Act 1986 and directions issued by State & Central Pollution Control Board time to time.
9. The unit is directed to proper lining of bank filling area before back filing to avoid leachate of heavy metals.
10. Unit is directed to remove the water from mining area before back filling.

Issued with the permission of competent authority .

**RAMESH
KUMAR
SINGH**

Digitally signed by
RAMESH KUMAR
SINGH
Date: 2021.12.18
12:25:43 +05'30'

For and on behalf of U.P. Pollution Control Board .

R.O., UPPCB PRAYAGRAJ.



UTTAR PRADESH POLLUTION CONTROL BOARD
Building. No TC-12V Vibhuti Khand, Gomti Nagar, Lucknow-226010

Phone:0522-2720828,2720831, Fax:0522-2720764, Email: info@uppcb.com, Website: www.uppcb.com

CONSENT ORDER

Ref No. -
144766/UPPCB/Allahabad(UPPCBRO)/CTO/air/PRAYAGRAJ/2021

Dated : 18/12/2021

To ,

Shri RAM RAJ
M/s RAMRAJ SINGH
BHUKHAND NO. 180, PUREBAIJNATH, BARA, PRAYAGRAJ,PRAYAGRAJ,
PRAYAGRAJ

Sub : Consent under section 21/22 of the Air (Prevention and control of Pollution) Act, 1981 (as amended) to M/s. RAMRAJ SINGH

Reference Application No. 14404318

Dated : 18/12/2021

1. With reference to the application for consent for emission of air pollutants from the plant of M/s RAMRAJ SINGH. under Air Act 1981. It is being authorised for said emissions, as per the standards, in environment, by the Board as per enclosed conditions .
2. This consent is valid for the period from 18/12/2021 to 31/07/2023 .
3. In spite of the conditions and provisions mentioned in this consent order UP Pollution Control Board reserves its right and powers to reconsider/amend any or all conditions under section 21 (6) of the Air (Prevention and Control of Pollution) Act, 1981 as amended.

This consent is being issued with the permission of competent authority .

RAMESH
KUMAR
SINGH

Digitally signed by
RAMESH KUMAR
SINGH
Date: 2021.12.18
12:27:39 +05'30'

For and on behalf of U.P. Pollution Control Board

R.O., UPPCB PRAYAGRAJ.

Enclosed : As above
(condition of consent):

Copy to: CEO-2, UPPCB LUCKNOW.

RAMESH
KUMAR SINGH

Digitally signed by
RAMESH KUMAR SINGH
Date: 2021.12.18
12:27:49 +05'30'

R.O., UPPCB PRAYAGRAJ.

U.P. Pollution Control Board

Dated : 18/12/2021

CONDITIONS OF CONSENT

1. This consent is valid only for the approved production capacity of FLY ASH, SOIL. .
2. This consent is valid only for products and quantity mentioned above. Industry shall obtain prior approval before making any modification in product/ process /fuel/ plant machinery failing which consent would be deemed void.
- 3(a) The maximum rate of emission of flue gas should not be more than the emission norms for the stacks.
- 3(b) Air Pollution Source Details.

Air Pollution Source Details					
S.No	Air Pollution Source	Type of Fuel	Stack No.	Parameters	Height
1	DG SET	DIESEL	01	Particulate Matter	AS PER (E)P ACT 1986

- 3(c) The emissions by various stacks into the environment should be as per the norms of the Board .

Emission Quality Details Detail			
S.No	Stack No	Parameter	Standard

4. Quantity of other pollutants should also be as per the norms prescribed by the Board/MOEF & CC/or otherwise mandatory .
5. The equipment for air pollution control system and monitoring ,as proposed by the industry and approved by the Board should be installed in their premises itself .
6. The modification or installation in the existing pollution control equipments should be done only by prior approval of Board .
7. The operation of air pollution control system and maintenance be done in such a way that the quantity of pollutants should be in accordance with the standards prescribed by the Board/MoEF & CC/or otherwise mandatory .
8. Unit should do provisions for fugitive emissions chimney/stack as per the norms of the Board/MOEF & CC/or otherwise mandatory .
9. The unit should submit the stack emissions monitoring report within one month from issuance of consent order along with the point wise compliance report of the consent order . Further quarterly monitoring report should be submitted .

The Unit will file the renewal application at least 2 months prior to the expiry of this Order.

Specific Conditions:

1. This CTO is valid for Back filling of Ash (Received from PPGCL) and Soil in Bhukhand No. 180, Purebajinath, Bara, Prayagraj.
2. Unit is directed to submit Ambient Air Quality Monitoring Report in every quarter done by approved laboratory.
3. Unit will ensure green belt area in premises.
4. The unit is directed to transport fly ash in covered manner.
5. Unit is directed to submitted analysis report of ground water regarding heavy metals.
6. This CTO is subjective to mining officer Letter No. 584/khanij/2020-21 DATED 12.02.2021
7. Unit is directed to comply the conditions of LOI between PPGCL & M/S RAMRAJ SINGH.
8. Unit will ensure to comply the provisions of E (P) Act 1986 and directions issued by State & Central Pollution Control Board time to time.
9. The unit is directed to proper lining of bank filling area before back filing to avoid leachate of heavy metals.
10. Unit is directed to remove the water from mining area before back filling.

RAMESH
KUMAR
SINGH

Digitally signed by
RAMESH KUMAR
SINGH
Date: 2021.12.18
12:28:07 +05'30'

Issued with the permission of competent authority .

For and on behalf of U.P. Pollution Control Board .

R.O., UPPCB PRAYAGRAJ.



TRUE COPY

ANNEXURE R5/5**ASH UTILISATION POLICY**

Ash produced by thermal power plants is a proven resource material for many applications of construction industries and currently is being utilized in the manufacturing of Portland Pozzolana Cement (PPC), fly ash bricks/blocks/tiles, road embankment construction, low-lying area development, and in agriculture as soil conditioner etc.

Prayagraj Power Generation Company Ltd. adopts following to make optimum generation and utilization of ash as an environmentally sustainable and economically viable product:

- i. Optimise generation of ash by adopting appropriate operation practices and through selection of appropriate coal for power generation.
- ii. Maximise ash utilisation on sustainable basis in alignment to SDG# 12 Responsible consumption & production and in line with the principles of Circular Economy and Integrated Waste Management.
- iii. Encourage and incentivise Ash Utilization by setting up appropriate provisions for collection, handling, and utilisation of ash.
- iv. Enhance awareness and actively engage with experts for deploying innovative solutions to enhance gainful ash utilisation and explore successful market linkages.
- v. Environmentally safe storage of unutilised ash till its utilisation.
- vi. Adherence to applicable statutory regulatory norms on ash utilisation / storage and handling.

R0

Date: 1st April 2022



Brajesh Singh
Chief Executive Officer



TRUE COPY