

BEFORE THE NATIONAL GREEN TRIBUNAL
Western Zone Bench, Pune Original
Application No. 54 OF 2024 (WZ)

IN THE MATTER OF:

Kuldipsinh Khimji Sodha : APPLICANT(S)

Versus

Union of India & Ors. : RESPONDENT(S)

**REPLY ON BEHALF OF THE RESPONDENT No. 07: CENTRAL
POLLUTION CONTROL BOARD (CPCB)**

1. That, Hon'ble NGT (WZ) vide order dated 12.09.2024 has sought the reply of all the respondent parties (CPCB is respondent 7) in the matter. Thereby, the reply is made in succeeding paragraphs.
2. That, CPCB is a statutory Board constituted under Section 3 of The Water (Prevention and Control of Pollution) Act, 1974. It performs the functions under The Water (Prevention and Control of Pollution) Act, 1974, The Air (Prevention and Control of Pollution) Act, 1981, and The Environment (Protection) Act, 1986.

REPLY:

3. That, the Para Nos. 1 and 2 of the Original Application are about the description of the applicant, his purpose of filing the application before the Hon'ble NGT, and the location, unit-wise installed capacity, and date of commissioning of 4 units (Units - 1, 2, 3, 4) of M/s Kutch Lignite Thermal Power Station (KLTPS), GSECL, Dist. Kutch, Gujarat. In this regard, it is submitted that Units - 1 & 2 (70 MW each) have been retired from service w.e.f. 01.01.2020, and the Plant's total installed capacity has been reduced to 150 MW (2x75 MW).
4. That, the Para Nos. 3 to 17 of the Original Application are about the observations of the Gujarat Pollution Control Board during inspections of M/s KLTPS, Gujarat carried out from time to time and the directions issued to the Plant based on the non-compliance conditions stipulated in Consent (CTO), and purported issues of violation of environmental rules and guidelines raised by the applicant against M/s KLTPS, Gujarat including improper management of fly ash causing pollution of the Kali River, non-compliance of the conditions stipulated in the CTO issued by Gujarat SPCB and Environmental Clearance issued by MoEF&CC, and extraction of ground water without obtaining permission from CGWA. In this regard, it is respectfully submitted these Paras pertain to Respondent No. 3 i.e. Gujarat Pollution Control Board.
5. That, the Para No. 18 of the Original Application is about CPCB's Direction dated 23.07.2015 regarding the installation of Online Continuous Emission and Effluent Monitoring Systems (OCEMS) for emission parameters PM, NO_x, and SO₂ and effluent parameters pH, TSS, and flow. The CPCB's directions also referred to – i) the clarification uploaded on its website vide dated 07.11.2024 regarding the installation of flow meter and web camera in the case of the ZLD units by 31.03.2015, and ii) the CPCB's letter dated 29.05.2015 to all SPCBs/PCCs. The applicant has alleged that M/s KLTPS, Gujarat has installed OCEMS for name sake but it has never been connected to the central server, and not a single data



has been shared in the Real-Time Data Acquisition System of Gujarat SPCB (mistyped as Odisha SPCB). In this regard, it is respectfully submitted that M/s KLTPS, Gujarat has installed OCEMS for prescribed emission parameters PM, NOx, and SO2 and effluent parameters pH, TSS, and Temperature, which are connected to CPCB's central server i.e. OCEMS Portal since July 2017. As per CPCB's central server, the last data is available for station Stack_3_Unit_3 up to 21-03-2024, for station Stack_4_Unit_4 up to 20-09-2023 and for EQMS station ETP_1_Outlet_1 up to 02-11-2024. Besides, the status of data transmission by M/s KLTPS, Gujarat to the OCEMS portal of Gujarat SPCB, if different from the CPCB's central server, pertains to Respondent No. 3.

6. That, the Para Nos. 19 to 33 of the Original Application are about the purported issues of non-compliance of the environmental regulations causing environmental pollution around M/s KLTPS, Gujarat, which mainly includes improper disposal/open dumping of fly ash, inadequate i.e. < 33% greenbelt area, discharge of untreated effluent outside the plant area including into River Kali and adjacent agricultural fields, fugitive emissions from coal and ash handling and transportation, etc. In this regard, it is respectfully submitted that these Paras pertain to Respondent No. 3 i.e. Gujarat Pollution Control Board. However, as per the Annual Ash Generation and Utilization Reports submitted by M/s KLTPS, Gujarat to CPCB during the last three financial years i.e. FYs 2021-22, 2022-23, and 2023-24, M/s KLTPS, Gujarat has achieved more than 100% utilization every year, with major ash utilization by disposal in abandoned mine voids of M/s GMDC Limited. Further, as per the quarterly specific water consumption data submitted by M/s KLTPS, Gujarat to CPCB, the Plant has claimed to be re-circulating / reusing complete effluent to make ash slurry in the ash plant, water sprinkling, dust suppression, etc. It is further submitted that the actual status of compliances claimed by M/s KLTPS.
7. That, the further Paras comprising Grounds (A to G) and Limitations for filing the application before the Hon'ble NGT do not require comments from the answering respondent i.e. CPCB.
8. That, in light of the above submission, it is respectfully submitted that this Answering Respondent i.e. CPCB, shall abide by any order(s) or direction(s) passed by this Hon'ble tribunal in the instant OA.

P. Gargava

(Prasoon Gargava)

Scientist 'F' & RD (Vadodara)

Central Pollution Control Board

प्रसून गार्गव / PRASOON GARGAVA

क्षेत्रीय निदेशक / REGIONAL DIRECTOR

केन्द्रीय प्रदूषण नियंत्रण बोर्ड / Central Pollution Control Board

(पर्यावरण, वन एवं जल मंत्रालय, भारत सरकार)

(Ministry of Environment, Forest & Climate Change, Govt. of India)

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