

**BEFORE NATIONAL GREEN TRIBUNAL
PRINCIPLE BENCH, (DELHI)
O.A NO. 164/2018**

In the matter of:

Ashwani Kumar Dubey

...Applicant

Versus

Union of India

...Respondents

INDEX

<u>S.NO</u>	<u>PARTICULARS</u>	<u>PAGE NO</u>
1.	REPLY ON BEHALF OF THE CHHATTISGARH ENVIRONMENT CONSERVATION BOARD ALONG WITH THE SUPPORTING AFFIDAVIT	1-7
2.	ANNEXURE R-1 A true copy of the factual status of the Thermal Power Plants containing detailed information of fly ash utilisation by the Thermal Power Plants for the year 2023-2024	8-9

FILED BY



ABHINAY SHARMA
ADVOCATES FOR CECB

H-29, FIRST FLOOR, JANGPURA EXTENSION,

NEW DELHI-110014

Mob No. 7999374176

E-mail- abhinay@aslp partners.in

Filed on: 25.06.2024

Place: Delhi

**BEFORE NATIONAL GREEN TRIBUNAL
PRINCIPLE BENCH, (DELHI)
O.A NO. 164/2018**

In the matter of:

Ashwani Kumar Dubey

...Applicant

Versus

Union of India

...Respondents

**REPLY ON BEHALF OF THE CHHATTISGARH ENVIRONMENT
CONSERVATION**

BOARD

Brief facts

1. At the outset, it is submitted that a present reply is being filed on behalf of the Chhattisgarh Environment Conservation Board (hereinafter referred to as "CECB").
2. The O.A No. 164 of 2018 was heard along with seven other connected matters. The common issue across all these connected matters pertains to the necessary remedial actions against the violation of environmental norms by Thermal Power Plants (TPPs). These violations have led to significant air, water, and land pollution. The primary issues include the failure to install essential air pollution control and monitoring devices, such as Flue Gas Desulfurization (FGDs) units and Continuous Ambient Air Quality Monitoring Systems (CAAQMS), which are critical for mitigating air pollution during TPP operations. Additionally, the unscientific handling and storage of fly ash beyond the capacity of fly ash dykes and ponds have caused severe accidents due to breaches, leading to further environmental damage. As per the reports of the

concerned authority, the Accumulated fly ash has been found to be 1670.602 Million Tonnes as of 31.12.2021.

3. O.A No. 164 of 2018, along with seven other Original Applications (Nos. 194/2020, 94/2020, 148/2020, 107/2020, 117/2014, 499/2014, and 102/2014), were heard and disposed of by a common order dated 18.01.2022 passed by this Hon'ble Tribunal in the present matter.
4. Thereafter being aggrieved by the directions issued by this Hon'ble Court and the manner in which the present Original Application was disposed of, several Thermal Power Plants filed Civil Appeals No's i.e., 3856/2022, 4529/2022, 4525/2022 & 4581/2022 before the Hon'ble Supreme Court.
5. Subsequently, the Hon'ble Supreme Court vide its order dated 05.07.2023, disposed of the aforementioned appeals by setting aside the order dated 18.01.2022 passed by this Hon'ble Tribunal. The Hon'ble Supreme Court held that basing the directions solely on the report and recommendations of the expert Committee without giving an opportunity to the Respondents therein to file their objections was improper and against the principles of natural justice. Consequently, the Hon'ble Supreme Court remanded the matter back to this Hon'ble Tribunal for re-consideration, starting from the stage of the recommendations given by the expert Committee. The relevant part of the abovementioned order is reproduced herein below for the easy reference of this Hon'ble Court:-

“18. We have perused the impugned order of the NGT and particularly paragraph ‘16’ which has been extracted

above. It is apparent that the appellant(s) herein who were respondents before the NGT were not given an opportunity to file their objections to the recommendations made by the Committee constituted by the NGT which is apparent by the fact that the recommendations were uploaded on 15.01.2022 and 15 the final order of the NGT was passed three days later on, i.e. 18.01.2022. Thus, this is a clear case of there being non-compliance with the principles of natural justice. On the said ground alone the impugned order is set aside, the matter is remanded to the NGT for re-consideration from the stage of the recommendations filed by the expert Committee constituted by the NGT. The appellant(s) herein are permitted to file their objections, if they are so advised. The NGT shall consider the objections, if any, filed to the recommendations and thereafter dispose of the applications in accordance with law and after giving a reasonable opportunity to all parties."

[Emphasis Supplied]

6. Thereafter, this Hon'ble Tribunal, in compliance with the order dated 05.07.2023 passed by the Hon'ble Supreme Court, issued a notice vide order dated 18.01.2024 to all parties, directing them to file their objections in the present Original Application along with other connected matters. This notice was issued to grant all parties the opportunity to be heard in the present case and other connected matters.

Submissions by Chhattisgarh Environment Conservation Board

7. It is pertinent to mention here that the Chhattisgarh State Environment Conservation Board was Respondent in O.A 117 of 2014 titled as

Shantanu Sharma v Union of India, in which, vide an order dated 04.11.2020, general recommendations were made to achieve 100 per cent utilization of fly ash by 31.12.2017 as per the MoEF Notification. This Hon'ble Tribunal further directed the preparation of action plans to achieve 100% utilization of fly ash and ensure its scientific disposal. However, since the issues in all matters were the same i.e., "fly ash utilisation by Thermal Power Plants" in view of the same, O.A No. 117 of 2014 got tagged with the present matter, and a common order dated 18.01.2022 was passed in all the connected matters.

8. Vide order dated 18.01.2022, this Hon'ble Tribunal provided individual recommendations to each TPP's and levied penalties on individual TPPs of various states based on their compliance reports. At this stage, the answering Respondent submits that they are not aggrieved by the expert committee recommendations uploaded on the NGT website on 15.01.2022. Furthermore, no penalties have been levied upon the Thermal Power Plants situated in the State of Chhattisgarh, nor were any individual recommendations given to these Thermal Power Plants. Additionally, the recommendations given to the Thermal Power Plants situated in the State of Chhattisgarh were general, and therefore the recommendations given qua other Thermal Power Plants does not warrant any reply from the answering Respondent.
9. Moreover, for the reference of this Ld. Tribunal, the answering Respondent is annexing the factual status of the fly ash utilisation by the Thermal Power Plants for the year 2023-2024 situated in the State

of Chhattisgarh. The same is based on the data provided by the concerned Regional Officers.

A true copy of the factual status of the Thermal Power Plants containing detailed information of fly ash utilisation by the Thermal Power Plants for the year 2023-2024 is marked and annexed herewith as **Annexure R-1**

10. Hence, the present reply is being submitted for the kind perusal of this Hon'ble Tribunal. This Hon'ble Tribunal may, therefore, take the present reply on record and pass any appropriate order(s) that it may deem fit, which will be complied with by CECB.

FILED BY:



ABHINAY SHARMA
ADVOCATES FOR CECB
H-29, FIRST FLOOR, JANGPURA EXTENSION,
NEW DELHI-110014
Mob No. 7999374176
E-mail- abhinay@aslp partners.in

Filed on: 25.06.2024

Place: Delhi

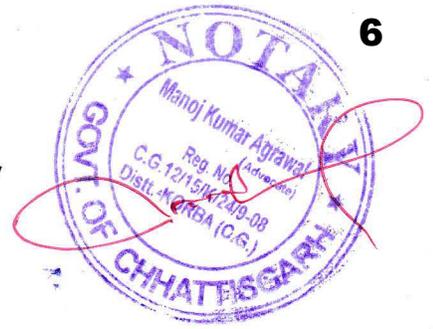
4995

25 JUN 2024

6



**BEFORE NATIONAL GREEN TRIBUNAL
PRINCIPLE BENCH, (DELHI)
O.A NO. 164/2018**



In the matter of:

Ashwani Kumar Dubey

...Applicant

Versus

25 JUN 2024

Union of India

...Respondents

I, Pramendra Shekhar Pandey, S/o Balendra Shekhar Pandey, Aged about 31 years and Authorised Representative of Chhattisgarh Environment Conservation Board, registered office at Chhattisgarh Environment Conservation Board, Paryavas Bhawan, Sector-19, Nava Raipur, Atal Nagar, District- Raipur (C.G.) do hereby solemnly affirm and state as under:

1. That I am the Authorized Representative of Chhattisgarh Environment Conservation Board, Respondent no. 82 in the present matter and am well conversant with the facts of the present case and competent to affirm this affidavit.
2. That I have read and understood the contents of the accompanying Reply which has been drafted under my instructions and state that the contents of the same are true and correct to my knowledge based on the records maintained by me.
3. The contents of the accompanying Reply have been explained to me in vernacular.

2024



24

25 JUN 2024

DEPONENT

**Regional Officer
Regional Office**

**Chhattisgarh Environment Conservation Board
Rampur, KORBA (C. G.)**

4996

7

25 JUN 2024

VERIFICATION

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

Verified at _____ on this _____ day of _____ 2024



S.K. Khandelwal

25 JUN 2024

[Signature]

DEPONENT

Regional Officer
Regional Office
Chhattisgarh Environment Conservation Board
Rampur, KORBA (C. G.)



निष्ठा किया जाता है कि... पक्षकारों ने पक्षकार / पक्षकारों के निष्ठादन उभय पक्षों / पक्षकारों ने पक्षकारों के समझकर परिणाम को जानते हुए गवाहों द्वारा पक्षकारों के आधार कि उभय पक्षकार सही है व्यक्ति है के आधार पर तथा भविष्य की निष्ठा की जिम्मेदारी उभय पक्षकारों व गवाहों द्वारा अपने उपर लिये जाने के आधार पर निष्ठादित व हस्ताक्षरित किया !

मनोज कुमार अग्रवाल
नोटरी
कोरबा जिला-कोरबा (छ.प्र.)
फॉ २-१७६...

25 JUN



25 JUN 2024



25 JUN 20

ANNEXURE R-1

4997

8

UTILIZATION OF FLY ASH FROM THERMAL POWER PLANTS IN THE STATE OF CHHATTISGARH

(FROM 01 APRIL 2023 TO 31 MARCH 2024)

S.No.	Name of Industry	Fly Ash Generation (MT)	Supply to Cement Plant (MT)	Brick Manufacturing (MT)	Land Filling (MT)	Ash Dyke Raising/ Construction (MT)	Agricultural (MT)	Mine filling (MT)	Road Construction (MT)	Any Other Use (MT)	Total Utilization (MT)	Percentage Utilization(%)	Target % (As per MoEF Notification)
1	M/s Bharat Aluminium Co. Ltd., Balco Nagar, Korba (1200 MW)	2059053.25	14052.00	69066.00	1455256.70	0.00	0.00	214568.81	316037.63	0.00	2068981.14	100.48	100%
2	Hasdeo Thermal Power Station M/s C.G. State Power Generation Co. Ltd. Korba (West), Korba (840 MW) + (500 MW)	2921142.00	195.00	137144.00	569544.00	21540.20	0.00	848271.50	0.00	124921.40	1701616.10	58.25	100%
3	Korba Thermal Power Station M/s C.G. State Power Generation Co. Ltd. Korba (East), Korba (440 MW)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	-	Industry is closed
4	Dr. Shyama Prasad Mukharjee Thermal power station, M/s C.G. State Power Gen. Co. Ltd. Korba (East), Korba (500 MW)	1343321.23	0	0	58774.1	0	0	375128.2	444339	0	878241.3	65.38	100%
5	Korba Super Thermal Power Station M/s N.T.P.C. Ltd., Jamnipali, Korba (2600 MW)	5268251.00	0.00	107374.00	269547.00	597540.00	0.00	120942.00	2167281.00	0.00	3262684.00	61.93	100%
6	M/s Lanco Amarkantak Power Ltd, Vill.-Patadhi, Dist.-Korba (600 MW)	1137257.94	489240.00	36344.00	230168.05	0.00	0.00	119721.00	36805.50	0.00	912278.55	80.22	100%
7	M/s A.C.B. (India) Ltd., Chakabuda, Dist.-Korba (30 MW + 30MW)	441887	0	28000	0	0	0	0	413887	0	441887.00	100.00	100%
8	M/s A.C.B. (India) Ltd., Vill.-Kasaipali, Dist.-Korba (270 MW)	1065176.31	0.00	22045.00	0.00	0.00	0.00	0.00	1043131.50	0.00	1065176.50	100.00	100%
9	M/s Spectrum Coal & Power Ltd., Village-Ratija, Dist.-Korba (50+50 MW)	540367.52	0.00	13883.00	5003.00	0.00	0.00	0.00	521481.52	0.00	540367.52	100.00	100%
10	M/s Maruti Clean Coal Power Ltd., Vill.- Bhandhakar, Teh.- Pali, Distt.-Korba (300 MW)	677586.00	0.00	13527.00	341170.00	0.00	0.00	0.00	373671.57	0.00	728368.57	107.49	100%
11	M/s SV. Power Pvt. Ltd., Vill.-Rainki ,teh.-Katghora, Distt.-Korba (60 MW)	310365.02	0.00	0.00	310365.00	0.00	0.00	0.00	0.00	0.00	310365.00	0.00	100%
12	M/s Raipur Energen Limited (M/s G.M.R. Chhattisgarh Energy Ltd., Village- Raikheda, Block- Tilda, Dist.-Raipur (2x685MW)	2316683.00	1091766.00	19477.00	695596.00	0.00	0.00	0.00	500806.00	11123 (सड़क निर्माण एवं फ्लाईओवर निर्माण हेतु प्रदाय)	2307645.00	99.61	100%
13	M/s N.S.P.C.L. CPP-II (2x250 MW) Bhilai, Distt-Durg	1160538.00	23122.00	722445.00	14260.00	0.00	0.00	0.00	875695.00	0.00	1635522.00	140.93	100%

14	M/s Sipat Super Thermal Power Station, NTPC Ltd., Sipat, Bilaspur (2980 MW)	5353046.00	17333.00	387206.00	409222.00	0.00	0.00	231827.00	4374853.00	0.00	5420441.00	101.26	100%
15	M/s KSK Mahanadi Power Company Ltd., Village- Nariyara, Tehsil-Akaltara, Distt.-Janjgir- Champa (3x600 MW)	2455283.00	1495343.00	50233.00	453682.00	0.00	0.00	64844.00	391180.00	0.00	2455282.00	100.00	100%
16	M/s DB Power Ltd. Thermal Power Plant Vill. Badadarha, PO. Kanwali, Teh - Dabhra, Distt.-Janjgir-Champa (1200 MW)	2805402.00	7637.00	20819.00	504070.00	0.00	0.00	2276941.00	0.00	0.00	2809467.00	100.14	100%
17	M/s Atal Bihari Vajpayee Thermal Power Station (Formaly Name Chhattisgarh State Power Generation Company Ltd) , Village-Madwa, Distt.-Janjgir-Champa (2x500 MW)	2106384.49	118426.08	178388.92	425471.34	0.00	0.00	0.00	1005448.26	0.00	1727734.60	82.02	100%
18	M/s R.K.M. Powergen Pvt. Ltd. Village Uchpinda Tehsil Dabra Janjgir Chapa Chhattisgarh unit 1 and 2 (4x360 MW)	2544105.13	656717.58	2092.00	737584.81	0.00	246848.50	1679142.38	9660.00	425 (Partially replacement of cement in manufacturing of unit)	3332045.27	130.97	100%
19	M/S O.P. Jindal Thermal Power Plant, Tamnar, Raigarh	8021560.9	121450.19	170347.14	7748.50	0	0	7835088.48	0	0	8134634.31	101.41	100%
20	M/S Adani Power Ltd, Vill- Chhote Bhandar, Teh.-Pussor, Raigarh	1282450.75	9260.81	0	1112672.1	0	0	0	0	0	1121932.91	87.48	100%
21	M/S TRN Energy Pvt. Ltd. Vill-Bhengari ,Nawapara, Dist-Raigarh	821411	0	41898	303452	0	0	173694	99122	0	618166	75.26	100%
22	M/s S K S Power Generation (C.G.) Ltd.Vill.-Binjkot/Darramuda, Raigarh	948859.80	21236.74	16933.12	744812.30	0	0	287179.80	68444.98	0	1138606.94	120.00	100%
23	M/s Lara Super Thermal Power project (NTPC Ltd.) Lara, Raigarh, Dist- Raigarh	3170586	0	9006	494721	0	0	0	2779685	579(Cenosphere)	3283991	0.97	100%