

**HARYANA STATE POLLUTION CONTROL BOARD**

Faridabad Region, Opp. Hewo Appmt., Sector-16, Faridabad

Website: www.hspcb.gov.inMemo. No. HSPCB/FR/2020/391
To

Dated: 13/7/2020

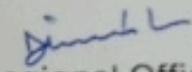
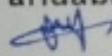
The Registrar General,
National Green Tribunal,
New Delhi,

Sub: Report on behalf of Deputy Commissioner, Faridabad and Haryana State Pollution Control Board in compliance of order dated 16.09.2019 and 20.09.2019.

In this connection, please find enclosed herewith the report on behalf of Deputy Commissioner, Faridabad and Haryana State Pollution Control Board in compliance of order dated 16.09.2019 and 20.09.2019 in Original Application No.692/2019 and Original Application No. 788 of 2019 in the matter of Chetram Chaudhary Versus State of Haryana & Others and Sagar Bhutani Versus State of Haryana & Others.

Submitted for your kind information and necessary action please.

DA/as above


Regional Officer
Faridabad Region


Endst. No. HSPCB/FR/2020

Dated:

A copy of above is forwarded to the Legal Cell, Haryana State Pollution Control Board, Panchkula for information and further necessary action please.

Regional Officer
Faridabad Region

Endst. No. HSPCB/FR/2020/

Dated:

A copy of above is forwarded to the Chairman, Haryana State Pollution Control Board, Panchkula for information and further necessary action please.

Regional Officer
Faridabad Region

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

ORIGINAL APPLICATION No.692/2019

AND

ORIGINAL APPLICATION No. 788 of 2019

Chetram Chaudhary Petitioner

Versus

State of Haryana & Others Respondents

AND

Sagar Bhutani Petitioner

Versus

State of Haryana & Others Respondents

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BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

ORIGINAL APPLICATION No 692/2019

AND

ORIGINAL APPLICATION No. 788 of 2019

IN THE MATTER OF:

Chetram Chaudhary Petitioner

Versus

State of Haryana & Others Respondents

AND

Sagar Bhutani Petitioner

Versus

State of Haryana & Others Respondents

REPORT ON BEHALF OF DEPUTY COMMISSIONER, FARIDABAD
AND HARYANA STATE POLLUTION CONTROL BOARD IN
COMPLIANCE OF ORDER DATED 16.09.2019 and 20.09.2019

MOST RESPECTFULLY SHOWETH:

1. That this Hon'ble Tribunal has taken cognizance of the complaint about release/illegal disposal of fly ash by the Thermal Power Plant operated by Haryana Power Generation Corporation Limited at Faridabad. The Hon'ble Tribunal vide order dated 16.09.2019 and 20.09.2019 passed in respective OAs directed to look into the matter, take appropriate action in accordance with law and furnish a factual & action taken report in the matter.

2. That before the Hon'ble Tribunal took cognizance of the complaint in question, the Haryana State Pollution Control Board took notice of the complaint received through office of Deputy Commissioner, Faridabad vide letter dated 08.05.2019. The site of fly ash lifting was inspected by then Field Officer, HSPCB, Faridabad on the same date i.e. 08.05.2019. It was found that pond ash was being lifted through M/s Shree Cement Ltd. for manufacturing of cement etc. purposes. It was observed that during lifting of pond ash, it got flied into air and causing air pollution.

Accordingly, Show Cause Notice dated 09.05.2019 was issued to M/s Shree Cement and the Haryana Power Generation Corporation Ltd. M/s Shree Cement Ltd. submitted its reply mentioning the preventive measures taken by it during pond ash lifting.

The Haryana Power Generation Corporation also submitted its reply through Superintendent Engineer, Faridabad Thermal Power Station informing that M/s Shree Cement was permitted to lift the Pond Ash after obtaining NOC from the HSPCB. Further, all the conditions stipulated by HSPCB in its NOC were included in the MoU, to be complied with by M/s Shree Cement Ltd. It was also informed that work of cladding of surface with Soil is in progress by the Firm and Firm has already been advised to stop the lifting work till the compliance of the observations of HSPCB is made by the firm. The period of MoU for lifting the pond ash was stated to be upto 04.06.2019. Copy of reply dated 21.05.2019 submitted by the

Signature

HPGCL is annexed herewith as **Annexure-R/1**. Further, the Faridabad Thermal Power Station (FTPS) also submitted latest status report in October, 2019 intimating about covering of exposed surface with 6 inches of soil layer. It was also intimated that no further permission is being granted to any firm to lift pond ash and after current monsoon season there is growth of vegetation on the covered surface. Thereafter, no complaint regarding illegal disposal of fly ash and Air pollution is received in this office.

3. That after taking note of the present original applications, the site was visited again on 09.12.2019 and vide letter dated 10.12.2019, the FTPS was asked to submit action plan for proper and scientific disposal pond ash. The FTPS submitted the details of ash dykes vide letter dated 13.12.2019. As the reply letter dated 13.12.2019 was not clear about the action plan for disposal of the ash. Therefore, vide letter dated 30.12.2019, the FTPS was again asked to submit categorically proposal for the same. Further, vide letter dated 13.03.2020, the HSPCB asked the FTPS to explain the position for disposal of fly ash in view of the order dated 12.02.2020 passed in OA No.117/2014. The FTPS has submitted a detailed reply dated 04.05.2020, copy of which is annexed herewith as **Annexure-R/2**.

Final Observation:

4. That after site visit on different occasion and considering the reply submitted by the FTPS, following observations are being submitted:

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- (a) There are two Ash dykes. One is 103 Acre called 'Old Ash Dyke' got filled with ash in 1987. Another is 152 Acre called 'New Ash Dyke' closed in 2010.
- (b) All the units of Faridabad Thermal Power Station were phased out in April 2010 after which no ash was generated and deposited at any of these two sites.
- (c) The Ash deposited at both these sites is covered with vegetation.
- (d) Lifting of ash were permitted to NHA and Shree Cement Ltd. from time to time after clearance from the HSPCB subject to certain terms and conditions. The exposed surface has been covered with soil layer and vegetation.
- (e) During April & May 2019, problem of air pollution arose during lifting of pond ash which was stopped after notice issued from HSPCB and exposed surface was covered with the soil layer.
- (f) During lifting of ash, wind flow and summer weather conditions cause problem of air pollution.
- (g) HPGCL is in process of installation of Solar Power Plant and has informed that with the closure of the all the units in April 2010, there has been no deposition of ash slurry at the site ever since and thus no water seepage to underground. It has been further informed that the ash, having remained deposited for 10 years has become compacted with very little possibility to cause underground water pollution through seepage with bottom being rocky. Most of the

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surface water gets evaporated very fast with vast expanse at the site.

Recommendations:

In view of the above stated facts and circumstances and considering the reply submitted on behalf of the Faridabad Thermal Power Station, it is being recommended that work of installation of Solar Power Plant must be expedited to avoid any possibility of air pollution.

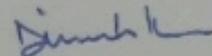
The report is submitted accordingly for kind consideration of this Hon'ble Tribunal.

Dated: 13.07.2020

Place: Faridabad



Deputy Commissioner,
Faridabad



Regional Officer, HSPCB
Faridabad Region



FARIDABAD THERMAL POWER STATION FARIDABAD

IS UNIT OF HARYANA POWER GENERATION CORPORATION LIMITED

(Regd. Office: C-7, UrjaBhawan, Sec.-5, Panchkula)

Corporate Identity Number: U18207HR1997SGC000017

Website: www.hpgcl.org.in E-mail: hr@hpgcl.org.in

Phone No. 01824-220287

ISO: 9001, ISO: 14001
& OHSAS: 18001 Certified

Anand R/1

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From

Managing Director
Haryana Power Generation Corporation
C-7, UrjaBhawan, Section-5,
Panchkula

To

Regional Officer
Faridabad Region
Haryana State Pollution Control Board
Sec-10, Faridabad

Handwritten initials/signature

Memo No: Co-13/COMD/1545/1

Date: 21.05.2019

Sub: Show Cause Notice under Air Act, 1981 - Lifting of Pond ash for mixing in cement by Shree Cement Ltd

This has reference to your office memo no HSPCB/FR/2019/04 dt 09/05/19 vide which a Show Cause Notice was issued about the subject cited above. In this regard, following is submitted:

1. That M/s Shree Cement Limited had been allowed lifting of Pond Ash from Kow Ash Dyke, situated at Gun-gram- Faridabad, after NOC/consent was issued by RO/HSPCB, Faridabad vide ref no HSPCB/FR/2017/49/3 dt 20.2.2017 (copy attached at Annexure-1).
2. That initially an MoU was signed on 22.2.2017 between HPGCL and M/s Shree Cement Ltd to lift pond ash from site up to 30.12.2017. All the conditions stipulated by HSPCB in its NOC had been included in the MoU, to be complied with by M/s Shree Cement Ltd. There after, permission is being given in phased a manner by Board of Directors, HPGCL, as per site conditions. A separate MoU is signed by HPGCL and M/s Shree Cement Ltd every time which includes all the conditions visd vs containing pollution at site by the firm. It is pertinent to mention here that HPGCL is getting the ash lifted free of cost since beginning.
3. That the latest permission was also granted to the firm for 3 months w.e.f. 5.3.2019 after specific requests were made by M/s Shree Cement Ltd on dt 14.1.2019 and 25.2.2019. Requisite MoU was signed with the firm on 13.3.2019 and the same contains all the terms and conditions to be complied with in letter and spirit by the firm which also include the ones contained in the subject cited Show cause Notice as well as those mentioned in the

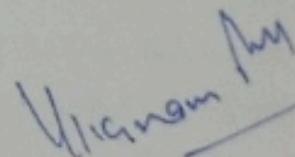
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NOC issued by HSPCB. The firm had been specifically asked to level the surface simultaneously and clad the same with 6" of earth layer during this period specially because of the summer months during which the firm was to lift the pond ash. An additional Bank Guarantee of Rs 10 Lakh too has been got deposited by HPGCL from the firm against the levelling and cladding work. Copy of the MoU placed at **Annexure-II**.

4. That HPGCL had been keeping a close watch on the situation and had been taking up the matter of containing the pollution at site through various references dated dt 2.4.2019, 9.4.2019, 17.4.2019 and 9.5.2019. On 15.5.2019. The firm has been apprised of the subject cited Show Cause Notice with stern repercussions. The copies of all these references are placed at **Annexure- III to VII**.
5. That the issue of pollution has been dealt with by this office in right earnest and the firm has carried out levelling of the surface and even the work of cladding the surface is in progress with about 70-75% of the site having been clad with 6" of earth layer to contain the pollution caused from ash getting airborne.
6. That all out efforts are being made by HPGCL to make the firm, M/s Shree Cement Ltd to comply with all the T&Cs to contain the pollution at site. Also, the present MoU by HPGCL with M/s Shree Cement Ltd to lift pond ash is up to 04.06.2019 and the firm has been asked to deploy all its resources to contain the pollution at site in order to comply with T&Cs of the MoU vis-à-vis containing pollution. The firm has been advised to stop the lifting work till the compliance to the observations of HSPCB is made by the firm.

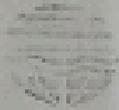
In addition, it is submitted that HPGCL is seriously considering setting up of a Solar Power project at this site which provides clean energy. An NIT for the same is likely to be issued shortly. With the setting up of the project, the problem of pollution on this count would be addressed permanently.

Submitted please.



for
Superintending Engineer/FTPS
Managing Director/HPGCL
Panchkula

Grams: ENVIRONMENT



HARYANA STATE POLLUTION CONTROL BOARD

Faridabad Region, Opp. Hemo Appmt., Sector-16, Faridabad
Website: www.hspcb.gov.in

No. HSPCB/FR/2017/ 4933

Date: 20/2/17

To:

M/s Shree Cement Ltd.,
Bangur Nagar Post Box No.33
Bawar, Rajasthan

Sub:

Lifting of Pond Ash req.

Ref. No.:

SEI/RMP/RO/POL/2017/03 Dated 09.02.2017.

In this connection it is intimated that as per your above referred letter you are proposing to lift the pond ash from ash dyke situated at Gurgaon-Faridabad Road for further utilisation of the same in cement manufacturing. Such type of activity does not fall in purview of management of HSPCB. However, following conditions may comply while lifting and transportation of pond ash from Ash Dyke situated at Gurgaon-Faridabad Road, particularly, that:-

1. The unit will obtain prior permission from HPCO, and other concerned authorities for lifting of pond ash from the Ash Dyke site.
2. Pollution due to transportation load of environment will be effectively controlled and water sprinkling will also be done regularly.
3. Vehicle with PUC only will be allowed to ply for transportation of fly ash.
4. Transportation of pond ash shall be carried out in wet condition through covered trucks only and vehicle carrying pond ash shall not be over loaded.
5. Main highway roads should be provided with permanent water sprinklers and other roads should be regularly watered with water tankers fitted with sprinklers.
6. Air Pollution due to lifting & handling of pond ash should be controlled and kept in permissible limits specified under Environmental Law.
7. Effective safeguard measures such as regular water sprinkling on the pond ash lifting site shall be carried out. It shall be ensured that the Ambient Air Quality parameters conform to the norms prescribed by CPCB/MOEF.
8. The phased restoration, reclamation, rehabilitation of the pond lifting site shall be carried out by earth filling by the KHAL in order to prevent Air Pollution and public nuisance at later stage.
9. The norms of Environment and other acts of Law should be strictly adhered.
10. The road may not be damaged due to transportation and transportation of pond ash will be as per IRC guidelines with respect to compliance with traffic composition and density.

Further, this letter does not exempt the unit/generation from obtaining necessary approvals/permission from the other departments like Municipal Corporation Faridabad, Forest Department/HPCO, Mining Department/ Ministry of Environment & forest, State Environmental Impact Assessment Authority, before execution of work on site for lifting of fly ash from New Ash Dyke situated at Gurgaon-Faridabad Road.

Regional Officer
Faridabad Region

Encl. No. HSPCB/FR/2017/

Date:

A copy of above is forwarded to the Chairman, Haryana State Pollution Control Board, Panipat for kind information and further necessary action please.

Regional Officer
Faridabad Region



Indian-Non Judicial Stamp
Haryana Government



Date: 11/03/2019

8

Certificate No: COK2019046
SRN No: 44983230



Stamp Duty Paid: ₹ 101
Penalty: ₹ 0

Seller / First Party Detail

Name: Shree cement Limited
H.No/Floor: 0
City/Village: Baawar
Phone: 0
Sector/Ward: 0
District: Baawar
LandMark: 0
State: Rajasthan



Buyer / Second Party Detail

Name: Faridabad Thermal Power station Hpgcl
H.No/Floor: 0
City/Village: Faridabad
Phone: 0
Sector/Ward: 0
District: Faridabad
LandMark: 0
State: Haryana

Purpose: Agreement

The authenticity of this document has been verified by scanning the QR Code through an android phone or on the website <https://haryana.gov.in>

MEMORANDUM OF UNDERSTANDING BETWEEN HARYANA POWER GENERATION CORPORATION LIMITED AND M/S SHREE CEMENT LTD., BAAWAR, RAJASTHAN FOR LIFTING OF POND ASH FROM NEW ASH DYKE AREA OF FARIDABAD THERMAL POWER STATION IN VILLAGES BARKHAL, PALL AND BHANKKI IN FARIDABAD.

Place: Faridabad, Date: 13th March 2019
This MoU is signed on this 13th day of March 2019 between HARYANA POWER GENERATION CORPORATION LIMITED (HPGCL), a Company incorporated under Companies Act 1956 which includes as successor, administrator & permitted assignee through Shri Vikram Pal, Superintending Engineer/TPPS, HPGCL, Faridabad an authorized representative of HPGCL, as party of one PART and M/S SHREE CEMENT Ltd., Baawar, Rajasthan, which includes its successor administrator and permitted assignee through Shri Aashish Kulkarni, DGM-RRP, Baawar, (Rajasthan) an authorized representative of M/S SHREE CEMENT Ltd., Baawar, Rajasthan, as party of other part.

1. INTRODUCTION:

Faridabad Thermal Power Station (TPPS) had been phased out in 2010 and about 18 to 20 lakh Tonne Meter of ash is deposited in New Ash Dyke Area in Villages Barkhal, Pall & Bhankki in Faridabad. This ash has been requested to be lifted by M/S SHREE CEMENT Ltd., Baawar, Rajasthan, for its manufacturing of Cement after processing. The request of the firm to grant extension beyond 30.02.2019 was considered and approved by ACS(Power) in File No. TPPS/2019/11 at NP. 6 to grant extension for lifting of pond ash for 3 months w.e.f. 05.03.2019. Accordingly M/S Shree Cement was granted permission to lift pond ash from New Ash Dyke w.e.f. 05.03.2019. The memorandum has been put up by SH/TPPS in BoD, HPGCL to accord ex-post-facto approval.

M/S SHREE CEMENT vide its letter dated 14.01.2019 and 25.01.2019 (copy attached) for seeking extension for lifting of pond ash and agreed to lift pond ash on prevailing terms and conditions i.e. to bear all

Vikram Pal
Superintending Engg
TPPS, HPGCL, FARIDABAD

For SHREE CEMENT LTD. (Seal of S)
Aashish Kulkarni
Authorized signatory

(9)

transportation cost and make necessary arrangements to lift the pond ash at their own and to take the same their concerned grinding units and no invoice is to be raised for any payment for lifting of ash from New Ash Dyke Faridabad. In addition, M/s Shree cement would also take all necessary measures in order to contain pollution i.e. they will install water sprinklers and carryout plantation etc. at HPGCL Ash Dyke area. Further M/s Shree Cement would bear all expenses related to watch and ward of the site during the lifting period.

M/s SHREE CEMENT Ltd., Beawar, Rajasthan had got recorded permission from Haryana State Pollution Control Board vide Reference No. HSPCB/TR/2017/4973 dated 20.02.2017 vide which various conditions to be complied with by M/s Shree Cement Ltd. were elaborated (copy attached). M/s Shree Cement shall comply with the same in true letter and spirit during the course of lifting.

Based upon the permission granted by ACS (Power) and clearance from Haryana State Pollution Control Board, Faridabad being already in place, M/s SHREE CEMENT Ltd., Beawar, Rajasthan is allowed to lift the pond ash from New Ash Dyke Faridabad for a period of 3 months at free of cost w.e.f. 5.3.2019. Details of the following scope of work:

2.0 SCOPE OF WORK:

In addition to terms and conditions stipulated by Haryana State Pollution Control Board, Faridabad, M/s SHREE CEMENT Ltd., Beawar, Rajasthan, shall comply with the following terms and conditions also:-

- (i) Since there are earthen embankments on two sides of the dyke encapsulating ash and these are designed to retain ash only. Their height has to be lowered alongwith lifting of ash in sited manner from the site as per directions of expert from IEA (Annexure-A). The safety of Ash dyke has to be ensured by M/s Shree Cement Ltd., Beawar, Rajasthan. However, lowering and ultimately removal of these embankments is to be carried out by M/s Shree Cement Ltd., Beawar, Rajasthan at their own cost without causing any damage to HPGCL.
- (ii) M/s Shree cement Ltd. shall carry out leveling and cladding the surface with 6" of earth layer simultaneously during these three months period.
- (iii) M/s Shree Cement Ltd. furnished a Bank Guarantee of Rs 10 Lakh in favour of Senior Accounts Officer, FTPS, Faridabad dated 11th March 2019 from Axis Bank, in lieu of leveling the surface and cladding the same with 6" of earth cover within one month of completion of lifting/discontinuing of lifting work by Shree Cement/conditional of permission by HPGCL during or upon completion of three months period.
The furnishing of Bank Guarantee does not in any way absolve M/s Shree Cement from its responsibility of leveling and cladding the surface with 6" of earth cover.
The FTPS-HPGCL will release the BG of Rs 10 Lakh soon after successful completion of contract or above said work.
- (iv) All the regulations and norms of Ministry of Environment and Forest with respect to pollution shall be strictly followed by M/s Shree Cement Ltd., Beawar, Rajasthan for lifting of pond ash. Any orders/circulars/penalties etc. for violating any Environmental Law or Instructions of MoEF shall be met by M/s Shree Cement Ltd., Beawar, Rajasthan and HPGCL shall be kept indemnified by M/s Shree Cement Ltd., Beawar, Rajasthan.
- (v) Any local issue/s emanating as a result of lifting/transportation of ash shall be dealt by M/s Shree Cement Ltd., Beawar, Rajasthan including damage caused to the roads during transportation and traffic etc.
- (vi) HPGCL shall maintain a register at site for the documentary proof of total ash lifted from the New Ash Dyke, Faridabad on monthly basis so that progress in this regard can be monitored by HPGCL & M/s Shree Cement Ltd., Beawar, Rajasthan.
- (vii) Additional Terms and Conditions by HPGCL as contained in Annexure-B shall be strictly followed by M/s Shree Cement Ltd., Beawar, Rajasthan (copy attached).
- (viii) This MoU shall remain valid upto 4.6.2019.

SHREE CEMENT LTD.

[Signature]
20/3/19

[Signature]
Supervising Engineer
FTPS, HPGCL, FARIDABAD

M/s Shree Cement own all responsibility as a result of any court case/Show Cause Notice by any statutory body during its period of lifting or thereafter as a result of having lifted the ash by the firm after the first granting of permission in December'2016.

- (x) Both the parties will be bound by the conditions of this MoU.
- (xi) HPGCL reserves the right to cancel permission to M/s Shree Cement Ltd, Beawar, Rajasthan at any stage to lift the pond ash for non compliance of any of the terms and conditions or as per directions of higher authorities of HPGCL. And shall return BG of Rs 10 Lacs accordingly.

Signed on this date month & year by & between.

For M/s Shree Cement Ltd, Beawar, Rajasthan
 For SHREE CEMENT LTD. DGM-RMP

WITNESSES:
 1. *[Signature]* (Hemant Singh)
 2. *[Signature]* (NISHANT YAD) 9717360006

[Signature]
 13/3/19
 Authorised Signatory
 FOR HARYANA POWER GENERATION CORPORATION LIMITED
 SUPERINTENDING ENGINEER/FTPS
 SUPERINTENDING ENGINEER
 FARIDABAD
 FTPS, HPGCL

WITNESSES:
 1. *[Signature]* A.K. Gupta ACE/FTPS
 2. *[Signature]* (Deepak Phogat) X en/FTPS

Place: Faridabad

Date: 13th March 2019

MINUTES OF MEETING REGARDING LIFTING OF POND ASH FROM NEW ASH DYKE, FTPS, HPGCL, FARIDABAD HELD IN THE OFFICE OF DIRECTOR(TCD), CEA ON 21.09.2016

The following were present:-

HPGCL representative

1. Sh. V.K.Chawla, SE/Civil, PTPS, Panipat
2. Sh. VikramPal, SE/FTPS, Faridabad
3. Sh. Arbind Kumar, Xen/FTPS, Faridabad

CEA representative

1. Sh. Neeraj Kumar, Director TCD
2. Sh. Amit Kumar, Director TCD

With reference to Chief Engineer, FTPS, HPGCL, Faridabad letter reference No. 13/21/19 dated 15.09.2016 meeting was held in the office of Director(TCD), CEA, New Delhi on 21.09.2016. It was informed by HPGCL officers that in the new Ash Dyke of FTPS, - Mother Dyke - was constructed and 1st raising and 2nd raisings were constructed thereafter. The different aspects in respect of the embankments was also studied in detail.

The matter was deliberated and discussed in depth regarding lifting of pond ash. The safety aspects of its safety and procedure to be followed for lifting of pond ash and the following was decided:-

- i) Working of Decanter Well is to be ensured for disposal of water.
- ii) Ash to be lifted in horizontal slices and it is to be ensured that window of Decanter Well just below the ash level is cleared/opened for drainage of water.
- iii) Dismantlement of ash bund is to be started when bottom level of ash of that particular raising is reached or exposed during lifting of pond ash.
- iv) Embankment/Ash Bund is to be cut in vertical slices from one end.
- v) Stage wise site inspection shall be carried out by HPGCL officers to review the progress of dismantlement of ash bund. if required, advice of CEA shall be sought.

In view of above, it was decided that commencement of lifting of pond ash shall be started after observing all the environmental and other statutory requirements.

(Arbind Kumar)
(Arbind Kumar)

(Vikram Pal)
(Vikram Pal)

(V.K.Chawla)
(V.K.Chawla)

(Amit Kumar)
(Amit Kumar)

(Neeraj Kumar)
(Neeraj Kumar)

(Vikram Pal)
Superintending Engineer
FTPS, HPGCL, FARIDABAD

For SHREE CEMENT LTD.

(Signature)
13/2/19
Authorized Signatory

(Signature)

Annexure-B

1. Pollution due to transportation load on environment will be effectively controlled and water sprinkling will also be done regularly providing borewells in that area for which statutory permission as per the law of the land shall taken by M/s Shree Cement Ltd. at its own level.
2. Vehicles with PUCC only will be allowed to ply for transportation of pond ash.
3. Transportation of pond ash shall be carried out in wet condition through covered trucks only and vehicle carrying pond ash shall not be overloaded.
4. Main haulage roads should be provided with permanent water sprinklers and these roads should be regularly wetted with water tankers fitted with sprinklers.
5. Air Pollution due to lifting & handling of pond ash should be controlled and kept in permissible limits specified under Environmental Laws.
6. Effective safeguard measures such as regular water sprinkling on the pond ash lifting site shall be carried out. It shall be ensured that the Ambient Air quality parameters conform to the norms prescribed by CPCB/MoEF.
7. The phased restoration, reclamation, rehabilitation of the pond lifting site shall be carried out by earth topping by the M/s Shree Cement Ltd. in order to prevent Air Pollution and public nuisance at later stage.
8. The order of Hon'ble NGT and other courts of law shall be strictly adhered.
9. The road may not be damaged due to transportation and the transportation of pond ash will be as per IRC guidelines with respect to complying with traffic load and density.
10. The manner of lifting of pond ash and lowering/clearing of embankments on the ash dyke has been specified by CEA and the same has to be strictly followed during the execution of work. Copy of minutes attached for reference.
11. Laying of 6" thick layer of earth cover has to be done within one month of lifting of pond ash.
12. All transportation of pond ash is to be carried out by contractors of M/s Shree Cement Ltd. at their own cost.
13. All the regulations and norms of MoEF and Department of Forest shall be strictly followed.

14. All local issues shall be dealt by your office without any damage to HPGCL.
15. The work of lifting of pond ash has to be completed latest by 30/08/2018 unless otherwise extended.

[Signature]
 Superintending Engineer
 FTPS, HPGCL

For SHREE CEMENT LTD.

[Signature]
 Authorized Signatory

For SHREE CEMENT LTD.
[Signature]
 Authorized Signatory

[Signature]
 Superintending Engineer
 FTPS, HPGCL, FARIDABAD



ISO 9001, ISO 14001
& OHSAS 18001 Company

FARIDABAD THERMAL POWER STATION FARIDABAD

(A UNIT OF HARYANA POWER GENERATION CORPORATION LIMITED)

(Regd. Office: C-7, Urja Bhawan, Sec.-6, Panchkula)

Corporate Identity Number: U45207HR1997SGC033517

Website: www.hpgcl.org.in E-mail: vikram.pak@hpgcl.org.in

Phone No. 0129-2232887

From

Superintending Engineer/FTPS
HPGCL, Faridabad

To

Sh. Ashish Kulshrehra
(AGM-RMP)
M/s Shree Cement Ltd.
Post Box No.33, Beawear-305901
Rajasthan (INDIA)

Memo No. Ch.- 117/CMD-1545/Loose

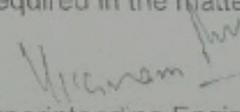
Dated: 02.04.2019

Subject:- Lifting of pond ash from New Ash Dyke FTPS, HPGCL Faridabad.

Please refer to the permission granted by HPGCL for lifting the pond ash from New Ash Dyke FTPS, HPGCL Faridabad and accordingly, MoU signed between M/s Shree Cement Ltd. and HPGCL on 13.3.2019 in this regard.

Today, undersigned visited the site and it was found that leveling work near Hanuman Statue is not progressing at satisfactory pace and this may affect installation & commissioning of proposed Solar Project at site. It is also pointed out that ash is also not being lifted in a manner as discussed at site on 13.3.2019, resulting in increased uneven area near Hanuman Statue.

In view of above, your personal attention is required in the matter please.


Superintending Engineer/FTPS
HPGCL, Faridabad

CC -

CE/PTPS, HPGCL Panipat



ISO: 9001, ISO: 14001
& OHSAS: 18001 Company

FARIDABAD THERMAL POWER STATION FARIDABAD

(A UNIT OF HARYANA POWER GENERATION CORPORATION LIMITED)
(Regd. Office: C-7, Urja Bhawan, Sec.-6, Panchkula)
Corporate Identity Number: U45207HR1997SGC033517
Website: www.hpgcl.org.in E-mail: deepak.phogat@hpgcl.org.in
Ph. 0129-2232887

Annexure-IV

14

From

Superintending Engineer
FTPS, HPGCL, Faridabad

To

Sh. Ashish Kulshretra
(AGM- RMP)
M/s Shree Cement Ltd.
Post Box No. 33, Beawar 305901
Rajasthan (INDIA)

Memo No. Ch.-118/CMD-1545/L

Dated: 09.04.2019

Subject:

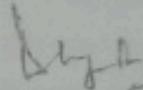
Lifting of Pond ash from New Ash Dyke FTPS, Faridabad- Leveling and earth capping work at the site.

Please refer to this office memo no. Ch-117/CMD-1545/Loose dated 02.04.2019 vide which it was intimated that the leveling of the surface was not progressing satisfactorily.

In this regard, it is again pointed out that there is insignificant improvement and the work of leveling is not being taken up earnestly by M/s Shree Cement Ltd. Also cladding the surface with earth layer has not been taken up at all by M/s SCL till date with the result that Ash, if not sufficiently wet tend to get air borne causing pollution at site.

In view of above it is requested that and personal attention be paid on this issue and get the surface leveled and clad with earth layer.

Matter most urgent please.


Executive Engineer/FTPS
for Superintending Engineer
FTPS, HPGCL, Faridabad

CC:-

1. CE/FTPS, HPGCL, Panipat.
2. Superintending Engineer/FTPS, HPGCL, Faridabad



FARIDABAD THERMAL POWER STATION FARIDABAD

(A UNIT OF HARYANA POWER GENERATION CORPORATION LIMITED)
(Regd. Office: C-7, Urja Bhawan, Sec.-6, Panchkula)
Corporate Identity Number: U48207HR1997SGC033817
Website: www.hpgcl.org.in E-mail: decpak.phozat@hpgcl.org.in
Ph. 0129-2232887

ISO: 9001, ISO: 14001
& OHSAS: 18001 Company

From

Superintending Engineer
FTPS, HPGCL, Faridabad

To

Sb. Ashish Kulshrethra
(AGM- RMP)
M/s Shree Cement Ltd.
Post Box No. 33, Beawar 305901
Rajasthan (INDIA)

Memo No. Ch-122/CMD-1545/L

Subject:

Lifting of Pond as from New Ash Dyke FTPS, Faridabad- Leveling and earth capping work at the site.

Handwritten notes and signatures:
17/4
11/5
Dated: 17.04.2019
ACE/Adm
SCL/FTPS
M/s

Please refer to this office memo no. Ch-117/CMD-1545/Loose dated 02.04.2019 followed by reminder dated 09.04.2019 vide which it was intimated that the leveling of the surface was not progressing satisfactorily.

In this regard, it has also been noted that Navbharat Times- the daily newspaper has also published the matter on 17.04.2019 and sought intervention to protect the nearby residents from pollution caused due to Ash getting air borne. The site was again inspected today by the Superintending Engineer/FTPS along with FTPS officers/officials concerned and it has been noticed that there was no significant improvement in the leveling and cladding work of the surface with earth layer by M/s SCL till date. With the result the Ash, when not sufficiently wet tends to get air borne causing pollution at site.

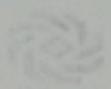
In view of above it is again requested to pay personal attention on this issue and get the surface leveled and clad with earth layer, keeping in view the ongoing summer season and high speed winds.

Matter most urgent please.

Signature
Executive Engineer/FTPS
for Superintending Engineer
FTPS, HPGCL, Faridabad

CC:-

1. CE/FTPS, HPGCL, Panipat
2. Superintending Engineer/FTPS, HPGCL, Faridabad



FARIDABAD THERMAL POWER STATION FARIDABAD

IA UNIT OF HARYANA POWER GENERATION CORPORATION LIMITED
(Regd. Office: C-7, Urja Bhawan, Sec.-11, Panchkula)
Corporate Identity Number: U45207HR1979GCL000117
E-mail: hrpc@hpcl.co.in / hrpc@hpccl.co.in
Ph: 91261233280

Annexure 1

16

From: Superintending Engineer
FTPS, HPGCL, Faridabad

To: Sh. Ashish Kulshretra
(AGM- RMP)
M/s Shree Cement Ltd
Post Box No. 33, Beawar 305901
Rajasthan (INDIA)

Urgent
Kerem / 16/5
Xen / 17/5
A227A
ML
16/5

Memo No. Ch- 127/CMD-1545/L

Dated: 08.05.2019

Subject: Leveling and earth capping work at the New Ash Dyke FTPS, Faridabad.

Please refer to this office memo no. Ch-117/CMD-61545/L dated 07.04.2019 followed by reminders dated 09.04.2019 and 17.04.2019 vide which it was intimated that the leveling & earth capping of the surface was not progressing satisfactorily.

In this regard, it has again been noted that Navbharat Times- the daily newspaper has published the matter on 09.05.2019 and sought intervention to protect the nearby residents from pollution caused due to Ash getting air borne. The site was inspected on 08.05.2019 by the undersigned along with FTPS officers/officials concerned and it was noticed that there was no significant improvement in the leveling and cladding work of the surface with earth cover by 14.5% till the date. With the result the Ash, when not sufficiently wet, gets air borne causing pollution at site. Also the surface was not sufficiently clad with earth layer leading to increase in pollution with hot winds blowing in summers.

In view of above it is once again requested to please personal attention of this issue and get the surface leveled and clad with earth layer with regular sprinkling of water, keeping in view the ongoing summer season and high speed winds.

Matter most urgent please.

Superintending Engineer
FTPS, HPGCL, Faridabad

1. SPS to Director/Technical, HPGCL, Panchkula
2. CE, FTPS, HPGCL, Panipat.
3. Area FTPS, HPGCL, Faridabad



HPCL
 HINDUSTAN PETROLEUM CORPORATION
 A CHEMICAL COMPANY

FARIDABAD THERMAL POWER STATION FARIDABAD

(A UNIT OF HARYANA POWER GENERATION CORPORATION LIMITED)
 (Regd. Office: C-7, Usha Bhawan, Sec.-6, Faridabad)
 Corporate Identity Number: UAC20010795000000017
 Website: www.hpccl.co.in E-mail: admin@hpccl.co.in
 Ph. 0172-2621177

Annexure - VII
 130
 17

From: Superintending Engineer
 FTPS, HPCL, Faridabad

To: Sh. Ashish Kulshretha
 (AGM-RMP)
 M/s Shree Cement Ltd,
 Post Box No. 33, Beawar 305901
 Rajasthan (INDIA)

Memo No. Cl.- 130 /CMD-145A. Date: 15.05.2019

Subject: Show Cause Notice from State Pollution Control Board in respect of Pollution
 Caused due to lifting of Pond Ash by M/s Shree Cement Ltd.
 Please refer to subject noted above.

In this context, enclosed please find herewith Show Cause Notice dated 09.05.2018 issued by Haryana State Pollution Control Board (HSPCB) in respect of pollution Caused due to lifting of Pond Ash by M/s Shree Cement Ltd. It has been informed that a number of complaints are being received from residents of Sainik Colony, Achievers, Vill- Bhakheri, Faridabad regarding improper lifting of pond Ash from Ash Dyke, Faridabad. Following discrepancies have been pointed out:

1. Pollution due to transportation load on environment is not effectively controlled and water sprinkling is not done regularly.
2. Transportation of pond ash is not carried out in wet condition through covered trucks.
3. Main haulage roads are not provided with permanent water sprinklers and other roads are not regularly wetted with water tankers fitted with sprinklers.
4. Air Pollution due to lifting & handling of pond ash is not controlled and not kept in permissible limits specified under Environment Laws.
5. Effective safeguard measures as regular water sprinkling on the pond ash lifting site are not carried out. It is also not being ensured that the ambient air Quality parameters conform to the norms prescribed by CPCB/MOEF.

It has further been advised that lifting of pond Ash from Ash Dyke, Faridabad be stopped immediately unless above mentioned measures be strictly adhered to otherwise legal action will be initiated under the provision of Environment Laws or Environmental Compensation Charges will be levied as per the policy of the Board.

It is brought to notice that as per T&C of the MOU, M/s Shree Cement Ltd was to level the surface and clad the same with earth layer simultaneously with a view to contain pollution. Please refer this office letters dated 02.04.2019, 09.04.2019, 17.04.2019 and 09.05.2019 in this regard. The site was visited today also, but there is still a lot of work regarding cladding the surface with earth layer to be done. It is therefore advised that lifting of ash work be completely stopped till the compliance to the observations of HSPCB is made by your firm.
 Related most urgent please.

(Signature)
 Superintending Engineer
 FTPS, HPCL, Faridabad

Superintending Engineer, HPCL, Faridabad.
 HPCL, Faridabad.



Haryana Power Generation Corporation Ltd.
 HPGCL
 B-7, Sector-1, Faridabad
 & Gurgaon, Haryana

FARIDABAD THERMAL POWER STATION FARIDABAD

(Regd. Office: C-7, Urja Bhawan, Sec.-6, Panchkula)
 Corporate Identity Number: U20207HR1974PLC000017
 Website: www.hpgcl.com E-mail: director@hpgcl.com.in
 Ph: 0172 222997

Amey-8/21 (18)

From

Superintending Engineer
 FTPS, HPGCL, Faridabad

To

Regional Officer
 Haryana State Pollution Control Board
 Faridabad

Memo No. Ch. - 25/CMB-1565

Dated: 04-05-2020

Subject:

OA No. 492/2019 titled as Chetram Chaudhary vs State of Haryana and
 OA No. 788/2019 titled as Sagarbhatnani Vs State of Haryana.

Please refer to your office memo No. HSPCB/FR/2020/5731 dated 13.03.2020 vide which this office has been asked to explain for illegal disposal of fly ash and non compliance of MoEF notification, 2016.

In this context, following facts are submitted for consideration :

1. That the Faridabad Thermal Power Station (FTPS) had commenced its operations in 1974 and the ash produced from burning of coal for generation of electricity was being transported in slurry form to a site spanning 103 Acre called 'Old Ash Dyke' through pipelines of 10" dia. . After the site i.e. Old Ash Dyke got filled with ash in 1987, a new site in the vicinity called 'New Ash Dyke' spanning 152 Acre was purchased by HPGCL to further deposit the ash in slurry form in the manner as mentioned above.
2. All the units of Faridabad Thermal Power Station were phased out in April 2010 after which no ash was generated and deposited at any of these two sites. The copy of notification dated 18.12.2009 and minutes of meeting dated 26.05.2010 about phasing out of all the three units at FTPS are being annexed herewith as Annexure-I & II. As a necessary step for prevention of air pollution and any hazard to surrounding flora and fauna, the Ash deposited at both these sites was covered with vegetation soon thereafter and thus no ash was getting air borne. Copies of the photographs captured in September, 2016 showing vegetation grown at site are annexed herewith as Annexure-III. There had been no complaint ever since the closure of all the units about pollution due to this deposited ash.
3. That National Highway Authority of India (NHAI) vide its miscellaneous correspondence in 2016 requested for lifting of pond ash from New Ash Dyke site for utilization in construction of Eastern Peripheral Expressway Package IV, V & VI spanning Km. 71 to Km. 136. An undertaking given by the NHAI to follow the instructions and guidelines issued by Haryana State Pollution Control Board. Due clearance was accorded by Haryana State Pollution Control Board on 12.08.2016 and 06.09.2016 copy of which is attached as Annexure-IV & V.
4. Based upon the requests by NHAI and clearances from the Haryana State Pollution Control Board, HPGCL, granted permission to NHAI, as stated above, to lift the pond ash free of cost from New Ash Dyke of HPGCL at Faridabad subject to compliance of all the instructions by Haryana State Pollution Control Board. Before commencement of lifting of pond ash, requisite Memorandums of Understanding were signed by HPGCL with NHAI. The MoU had contained all the conditions stipulated by Haryana State Pollution Control Board to be complied with by NHAI/the contractors deputed by NHAI for the purpose. NHAI commenced the lifting work in October 2016 and continued till 31.12.2017.
5. In the meantime M/s Shree Cement Limited also applied for permission to lift pond ash from New Ash Dyke. The request was considered by Board of Directors in its meeting on 21.12.2016 and conveyed on 28.12.2016 to this office. All the conditions, as stipulated in the case of NHAI, were also to be followed by M/s Shree Cement Ltd. Copy of the letter by CE/Projects, HPGCL is placed as Annexure-VI.
6. This office vide letter no Ch 16/SE/FTPS/36 dt 17.01.2017 (Annexure-VII) asked M/s Shree Cement Ltd to seek clearance/recommendation from State Pollution Control Board. In addition compliance of other norms/terms and conditions including covering the exposed surface with a



layer of 6", as prescribed by HPGCL was to be done by M/s Shree Cement Ltd, Haryana Pollution Control Board, vide its letter no HSPCB/FR/2017/4973 dt 20.2.2017 stipulated conditions to be complied with while lifting and transporting pond ash from New Ash Dyke.

- 7. M/s Shree Cement Limited also submitted an undertaking to comply with all the conditions stipulated by HSPCB and HPGCL vide letter dt 22.02.2017 (Copy attached as Annexure-VIII). Based upon clearance from HSPCB and the undertaking by M/s Shree Cement Limited, a memorandum of Understanding (MoU) was signed on 22.02.2017 containing all the conditions stipulated for compliance by M/s SCL. The official permission letter too was issued to M/s SCL for the same on 23.2.2017 for lifting pond ash free of cost (Copy attached as Annexure-IX). The permission was granted upto 31.12.2017, unless extended, as in the case of NHAI.
- 8. In the meantime O.A. no 359 of 2017 was filed in Hon'ble National Green Tribunal, New Delhi by Varun Sheoran Vs State of Haryana. HPGCL was listed as Respondent no 6 & 7 in the said O.A. After few hearings in the matter, the O.A. No 359 was disposed of on 11.10.2017 by its Principal Bench (Copy of the order placed as Annexure-X).
- 9. M/s NHAI covered all the exposed surface and after 31.12.2017 did not seek extension for permission to lift pond ash. However M/s Shree Cement Limited requested for extension of permission after 31.12.2017 and same was granted by BoD HPGCL for a period of six months, extendable by another six months. M/s Shree Cement was allowed to lift pond ash w.e.f. 27.02.2018 for six months and another period of six months. After this M/s SCL again requested to allow to lift pond ash further, which again was granted by BoD, HPGCL, this time for three months. M/s SCL re-started the lifting work on 2.3.2018. During each of these extended permissions, a MoU was signed by HPGCL and SCL containing all conditions as earlier stipulated by HSPCB and HPGCL. The copies of MoUs are placed at Annexures XI, XII and XIII.
- 10. During the lifting of pond ash by M/s SCL Regional Officer, HSPCB Faridabad issued a Show cause Notice in 2nd week of May 2019 to HPGCL and M/s SCL, due to the air pollution that was being caused due to lifting of pond ash. The lifting of pond ash was immediately stopped and the work of covering the exposed ash surface with a layer of earth was undertaken and most of it was covered by M/s SCL by 21 May 2019. The reply to the SCN was submitted by HPGCL on 21.5.2019 accordingly. Copy of the reply by this office is attached as Annexure-XIV. Later balance exposed surface too was covered with a layer of 6" earth.
- 11. As brought out in Point No 1, HPGCL had about 255 Acres of total land for depositing ash including Old Ash Dyke (100 Acres) and New Ash Dyke (152 acre). Although ash was dumped at both these sites, but till date ash from only about 60 Acres (from New Ash Dyke) has been lifted where surface area was exposed. Thus its only less than 25 % of the total area that was exposed and rest is still covered with thick vegetation (having grown over a period of time). Almost all the 60 Acre area from where ash was lifted has since been covered with a 6" layer of earth and no air pollution, whatsoever is being caused as a result. Also there is no further proposal to allow Lifting of Pond Ash from any of these sites. Rather, Solar Power Projects are being planned by HPGCL at both these sites.

With reference to the above, following relevant points are brought out

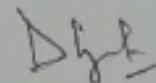
- a) That it is worthwhile to mention here that HPGCL had allowed M/s SCL to lift the pond ash free of cost for consumption in manufacturing of cement (required for carrying out all infrastructure projects) and all the work required to lift pond ash was to be carried out by M/s SCL through its contractors/transporters over whom HPGCL had no control whatsoever. All the infrastructure/facilities required for loading and controlling pollution at site was to be arranged and managed by M/s SCL.
- b) That the work of lifting ash had commenced again in Feb 2018 and it was only in May 2019 when the issue of pollution caused by lifting of ash had cropped up with the onset of summer season and the blowing winds. As given above, the work of lifting of pond ash was immediately stopped and exposed surface covered with earth layer of 6". Ever since no lifting work has been allowed by HPGCL.

In addition to the above, following 20 relevant points written to the your office memo, referred to above, also merit your kind attention please,

- 30
- i) That MoEF notification 2016 have been issued for the running Thermal Power Plants and the same has been issued after six years of closure of FTPS Faridabad. The Hon'ble NGT has issued directions for Thermal Power Plants for 100% utilization and disposal of fly Ash and to apply environment compensation for the non complied TPPS w.e.f. 31.12.2017 as per notification dated 27.01.2016. FTPS has since been phased out/closed in 2010 and not generating any Ash, as such the MoEF notification of the year 2016 does not apply in case FTPS.
 - ii) The ash dyke from where the lifting work had continued till May 2019, is a rocky bowl shaped site with rocks on 2 of the four sides and bottom. With the closure of the all the units in April 2010, there has been no deposition of ash slurry at the site ever since and thus no water seepage to underground. Thus the ash, having remained deposited for 10 years has become compacted with very little possibility underground water pollution through seepage with bottom being rocky. Any water used during lifting of pond ash was to prevent air pollution during lifting and transportation. Most of the surface water gets evaporated very fast with vast expanse at the site.
 - iii) With regard to the interim directions issued vide NGT order dated 12.02.2020 in OA no. 117/2014, 499/2014 and 102/2014, wherein various MoEF notifications and other relevant instructions for utilization of ash being generated from Thermal Power Plants have been discussed in detail along with recommendations for appropriate committees for determination of Environment Compensation applicable on Thermal Power plants for non compliance of targeted fly ash utilization, it is pointed out that in the subject cited OAs before NGT, the grievance of applicants is the pollution at the Ash dyke which was caused due to exposure of Ash surface during lifting of Pond Ash from the site and now since lifting of pond ash has already been stopped in May-2019 and the exposed ash surface has been covered with earth layer, there is no pollution at the site. Even a team from your office to the site in May'2019 was satisfied with the progress then.
The status with respect to above was again apprised to your office vide this office note dated 04.10.2019 and memo dated 01.01.2020 (copies attached as **Annexures-XV & XVI**).
 - iv) That there is a lot of quantity of ash still left, which is all compacted with vegetation having grown over the same over time and disposal of the same can cause further air pollution over a considerable period of time.
 - iv) Further, HPGCL is in process of installation of Solar Power Plant at the site for which e-tender has already been floated with due date for submission as 25.11.2019 and the last date for bid submission has been extended by issuing of repeated corrigendums for 16.12.2019, 13.01.2020, 29.01.2020, 24.02.2020, 16.03.2020 and now for 20.04.2020.

In view of the above it is genuinely felt that HPGCL has taken appreciable measures to contain pollution and no cause of action arises against FTPS/HPGCL, Faridabad for non compliance of MoEF notification or any of directions given by Hon'ble NGT.

This is for your kind information please.



Executive Engineer
for Superintending Engineer
FTPS, HPGCL, Faridabad

CC

1. CE/FTPS, HPGCL, Panipat – for information please.
2. SE/FTPS, HPGCL, Faridabad



HARYANA POWER GENERATION CORPORATION LIMITED
Regd. Office - Street No. 1, Sector-17, Chandigarh.
Telephone: 0173-2386007, Email: hpgcl@hpgcl.com

50

NOTIFICATION

Due to unacceptably performance, safety hazards and environmental concerns, the 55 MW Unit-1 and 55 MW Unit-2 of Faridkot Thermal Power Station are declared retired and their capacity deleted from the installed generation capacity of the State w.e.f. 04.09.2009 and 08.09.2009 respectively.

This is done with the approval of Government of Haryana.

[Signature]
SE/Technical, HPGCL, Panchkula

Order No. 963/GMP-301

Date: 18-12-2009

Copy of the above forwarded to the following for information:-

1. Financial Commissioner & Principal Secretary to Govt. of Haryana, Power Department, Mrs. Sood, Chandigarh.
2. Secretary to Govt. of India, Ministry of Power, Shri. Shakti Bhawan, Rafi Marg, New Delhi.
3. Additional Secretary, Coal Ministry, Shri. Shakti Bhawan, New Delhi.
4. Chairman, Railway Board, Rafi Bhawan, New Delhi.
5. Chairman, Central Electricity Authority, Sewa Bhawan, R.K. Puram, New Delhi.
6. Chairman & Managing Director, BHEL, BHEL House, Sir Fort, New Delhi.
7. Chairman, Power Finance Corporation Ltd, Chander Law Bhawan, 35, Jansath, New Delhi.
8. The Chairman & Managing Director, BQCL, Dhanbad (Bihar).
9. The Chairman & Managing Director, CCL, Ranchi.
10. The Chairman, Coal India Ltd, Coal Bhawan, 10, Kailash Subhash Marg, Kolkata.
11. The Chairman, HERC, Sector-4, Panchkula.
12. Managing Director, HPGCL, Panchkula.
13. Managing Director, HYPN, Panchkula.
14. Managing Director, UHBVN, Panchkula.
15. Managing Director, DHDVNL, Mayapuri, New Delhi.
16. Director, Public Relations, Haryana Civil Supply, Chandigarh.
17. Member Secretary, NREG, Kalyani Sarai, INA, Shaheed Jai Singh Marg, New Delhi.
18. Chief of Operations, HPGCL, Panchkula.
19. Director Technical, HPGCL, Panchkula.
20. Chief Engineer IPTS-1, Panikol.
21. Chief Engineer IPTS-2, Panikol.
22. Chief Engineer IPTS, Faridkot.
23. Chief Engineer Projects, HPGCL, Panchkula.
24. Chief Engineer Ptg., HPGCL, Panchkula.
25. Chief Engineer SCRTTP, Yamunanagar.
26. Chief Engineer Adm., HPGCL, Panchkula.
27. Chief Engineer, (QM), Sewa Bhawan, R.K. Puram, New Delhi.
28. Chief Engineer Q & Commercial, HYPNL, Panchkula.
29. Chief Engineer HPPC, UHBVN, Panchkula.
30. Chief Inspector of Boilers, Haryana, 30 Ariya Gdg., Sector-17, Chandigarh.
31. Company Secretary, HPGCL, Panchkula.
32. P&QAQMO, HPGCL, Panchkula.

Order Copy to all

Xen CA

[Signature]
18/12/09

[Signature]
SE/Technical, HPGCL, Panchkula



ANNEX - II

09 2010 2:10PM



HARYANA POWER GENERATION CORPORATION LIMITED
Regd. Office - Ujala Bhawan, C-7, Sector-6, Panchkula,

EXCERPTS OF MINUTES OF THE 18th MEETING OF THE BOARD OF DIRECTORS OF HARYANA POWER GENERATION CORPORATION LIMITED HELD ON WEDNESDAY 24 MAY 2010 AT 11:30 A.M. IN THE CONFERENCE HALL, UJALA BHAWAN, SECTOR-6, PANCHKULA.

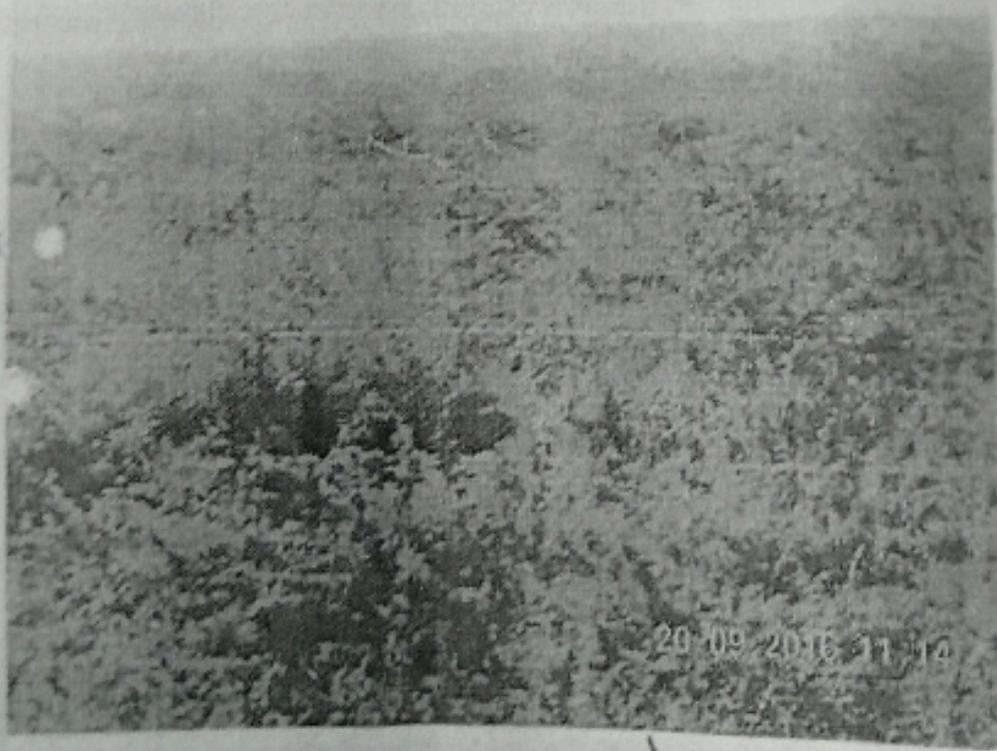
78.20 Memorandum for obtaining ex post facto approval of Board of Directors regarding phasing out of 33 MW Unit-3 of Faridabad Thermal Power Station (PTPS) Faridabad.

The Board of Directors accorded its ex post facto approval for retiring of 33 MW Unit-3 of PTPS Faridabad w.e.f. 13.04.2010 and deletion of its capacity from the total installed generation capacity of the State. It was desired that whenever new power project at the existing location is proposed, the evaluation of power aspect must be considered.

For and on behalf of
Haryana Power Generation Corporation Limited

[Signature]
(Harinder Gulati)
Company Secretary

ANNEX - III



[Signature]
Executive Engineer/Works
FTPS, HPGCL
Faridabad

53



Sign
 Executive Engineer/Works
 F.P.S. HQ/CD
 Bangalore

0129-2225314

ENVIRONMENT

HARYANA STATE POLLUTION CONTROL BOARD
Ballabgarh Region, Opp. Hemo Appmt., Sector-16, Faridabad
Website: www.hspcb.gov.in

(58)

2387

No. 12/8/16
Date: 12/8/16

The Manager (Tech),
National Highways Authority of India,
MU, EPE-II,
Kolda,

Development of six lane Eastern Peripheral Expressway (NH No. NE-II) Package - V
from km 93 to km 114 and Clarification regarding obtaining permission/HOC for
lifting of fly from flow Ash Dyke situated at Gurgaon-Faridabad Road.

Your office letter No. NHA/TPD-EPE-II/Pkg-V/2016/D/454 dated 09.08.2016.

In this connection it is intimated that as per your above referred letter you are proposing to
construct road for development of six lanes Eastern Peripheral Expressway (NH No. NE-II) Package - V
from km 93 to km 114. Such type of activity does not fall in consent management of HSPCB. However,
following conditions may be complied while lifting and transportation of pond ash from Ash Dyke situated at
Gurgaon-Faridabad Road, Faridabad, that:-

1. The unit will obtain prior permission from HPGCL and other concerned authorities for lifting of pond ash from the Ash Dyke site.
2. Pollution due to transportation load on environment will be effectively controlled and water sprinkling will also be done regularly.
3. Vehicles with PUC only will be allowed to ply for transportation of fly ash.
4. Transportation of pond ash shall be carried out in wet condition through covered trucks only and vehicle carrying pond ash shall not be overloaded.
5. Main haulage roads should be provided with permanent water sprinklers and other roads should be regularly visited with water tankers fitted with sprayers.
6. Air Pollution due to lifting & handling of pond ash should be controlled and kept in permissible limits specified under Environmental laws.
7. Effective safeguard measures such as regular water sprinkling on the pond ash lifting site shall be carried out. It shall be ensured that the Ambient Air Quality parameters conform to the norms prescribed by CPCB/MOEF.
8. The phased restoration, reclamation, rehabilitation of the pond lifting site shall be carried out by earth topping by the NHA in order to prevent Air Pollution and public nuisance at later stage.
9. The orders of Hon'ble NGT and other courts of Law shall be strictly adhered.
10. The road may not be damaged due to transportation and transportation of pond ash will be as per IRC guidelines with respect to complying with traffic congestion and density.

Further, this letter does not exempt the unit/organization from obtaining necessary permission from the other departments like MCF/Forest/HPGCL etc.

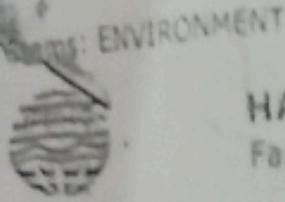
[Signature]
Regional Officer
Faridabad Region

Date:

Encl. No: HSPCB/FR/2016/

A copy of above is forwarded to the Chairman, Haryana State Pollution Control Board,
Panipat for kind information and further necessary action please.

Regional Officer,
Faridabad Region.



HARYANA STATE POLLUTION CONTROL BOARD
Faridabad Region, Opp. Hewo Appmt., Sector-16, Faridabad
Website: www.hspcb.gov.in

59

MEMO No. HSPCB/FR/2016/ 2729-71

Dated: 06/9/16

To
The Manager (Tech),
National Highways Authority of India,
PIU, EPE-II,
Noida,

Subject: Development of six lane Eastern Peripheral Expressway (NH No. NE-II) Package - V from km 93 to km 114 and Clarification regarding obtaining permission/NOC for lifting of fly ash from New Ash Dyke situated at Gurgaon-Faridabad Road.

Ref. No.: NHAI/PIU- EPE-II/Pkg-VI/2016/D/581 dated 05.09.2016.

With reference to subject cited above, it is intimated that this office has already sent clarification vide this office letter no 2387 dated 12.08.2016. This clarification is applicable in general for Development of six lane Eastern Peripheral Expressway (NH No. NE-II) regarding lifting of Fly ash from New Ash Dyke situated at Gurgaon-Faridabad Road for utilization in construction of road for development of six lanes Eastern Peripheral Expressway (NH No. NE-II) and should not be considered as specific for any package.

Further, this letter does not exempt the unit/organization from obtaining necessary applicable permission from the other departments like Municipal Corporation Faridabad /Forest Department/MPGCL/ Mining Department/ Ministry of Environment & forest /State Environmental Impact Assessment Authority. before execution of work on site for lifting of fly ash from New Ash Dyke situated at Gurgaon-Faridabad Road.

Regional Officer
Faridabad Region

Endst. No.: HSPCB/FR/2016/ Dated:
A copy of above is forwarded to the Chairman, Haryana State Pollution Control Board, Panchkula for kind information and further necessary action please.

Regional Officer
Faridabad Region

Endst. No.: HSPCB/FR/2016/ Dated:
A copy of above is forwarded to the Director/Generation, Haryana Power Generation Corporation Limited, Panchkula for kind information please.

Regional Officer
Faridabad Region

 HPGCL	HARYANA POWER GENERATION CORPORATION LIMITED Head Office - C.T. Veda Bhawan, Sector-4, Panchkula Corporate Identity Number: U41202HR1922500022517 Website: www.hpgcl.gov.in E-mail: gm.hpgcl@hpgcl.co.in Telephone no. 0172-5064018 Fax No. 0172-5064018

From
 The Chief Engineer/ Projects,
 HPGCL, Panchkula.

To
 Superintending Engineer/FTPS,
 HPGCL, Faridabad.

Memo No *1068* Ch. 12 ICE/Projects/ C - Pond Ash / FTPS
 Dated 28.12.2016

Subject:- Lifting of Pond Ash from new ash dyke of FTFS, Faridabad for development of six lane Eastern Peripheral Expressway (NH No. NE-II) in the state of Haryana, Package-VI from KM-114 to KM-136 on EPC mode and M/s Shree Cement Limited.

Memorandum for the subject cited work was placed in the 108th meeting of BoD, HPGCL held on 21.12.2016 (copy of the memorandum enclosed). The Board of Directors considered the memorandum and after detailed deliberations, approved the proposal as brought out in the memorandum.

In view of the decision taken by the BoD, you are requested to allow NHAI to engage transporters as per their requirement who fulfill the condition laid down in the MoU & environmental conditions and allow M/s Shree Cement Ltd. for lifting of the pond ash from new ash dyke, FTFS, Faridabad after completion of the formalities as allowed to NHAI. It was further desired by BoD that continuous efforts be made towards maximum lifting of pond ash.

The necessary action in this regard may be taken at the earliest, please.

DA/As above.

G. S. Dhillon
 Chief Engineer/Projects,
 HPGCL, Panchkula.

Copy to:-

SPS to Director (Gen.), HPGCL, Panchkula for kind information of Director (Gen.), please.

M. K. Anand
 27/12/16

28 *Farid FTFS*



HPGCL

ISO 9001, ISO 14001
A DISAS 18001 Company

FARIDABAD THERMAL POWER STATION

(A UNIT OF HARYANA POWER GENERATION CORPORATION LIMITED)
(A Government of Haryana Undertaking)

Regd. Office: C-7, Urja Bhawan, Sec.-9, Panchkula
Corporate Identity Number: U48207HR1997SG0030517
Website: www.hpgcl.org.in E-mail: ykram.pgd@hpgcl.com
Ph. 0129-2232887, 2233477 FAX: 0129-2234277

ANNEX-VII
28

From

Superintending Engineer
FTPS, HPGCL, Faridabad

AC/Ph 6

To

M/s Shree Cement Ltd.
Bangur Nagar, Beawar
District Ajmer
Rajasthan - 305901

Kind Attn. Sh. Aashish Kulshreshtha
kulshreshthaa@shreecementltd.com

Memo. No. Ch. 10/SE/FTPS/06

Dated: 17.01.2017

Subject:

Permission for lifting of pond ash from New Ash Dyke of FTPS,
HPGCL, Faridabad

This has reference to your visit to this office and email dt.
16.01.2017 on the subject cited above.

It has been conveyed by the Chief Engineer/Projects, HPGCL,
Panchkula that M/s Shree Cement Ltd. has been allowed to lift the ash from New
Ash Dyke, Faridabad after completion of the formalities as given below:

Before commencement of lifting of ash, you are required to
seek recommendation from Pollution Department, Govt. of Haryana for the said
work. Thereafter, a Memorandum of Understanding shall have to be signed by
M/s Shree Cement and HPGCL on the lines of the procedure to allow SHAI to lift
the ash from New Ash Dyke, Faridabad.

Other terms and conditions to be complied with by
your organization are attached in the Annexure-A. An undertaking
for fulfilling those conditions shall have to be submitted by your office prior to
the start of work.

This is for your information and necessary action please.

DA/Annexure-A

Superintending Engineer
FTPS, HPGCL, Faridabad

Copy to :-

- (I) Sr. P.S. to Director/Gen., HPGCL, Panchkula for kind information of
Director/Gen. please.
- (II) Chief Engineer/Planning, HPGCL, Panchkula
- (III) Chief Engineer/Projects, HPGCL, Panchkula
- (IV) Xen/FTPS, HPGCL, Faridabad



SHREE CEMENT LTD.

Regd. Office:
BANGUR NAGAR, POST BOX NO. 23, BEAWAR 335 901, RAJASTHAN, INDIA

GRN No. 1289436J19799PLE0881835
Phone 01462 236101-4
Toll Free 1800 140 6003 / 6004
Fax 01462 230117 / 230119
E-Mail shreecem@shreecement.com
Website www.shreecement.in



Date 23rd February 2017

SCJRM/MP/EN/PTPS/2017/007

To
Superintending Engineer
PTPS, HPGCL, Faridkot

Subj:- Permission for lifting of pond ash from New Ash Dyke of PTPS, HPGCL, Faridkot
Ref. No. Your Office Memo, No. Ch. HPS/PTPS/06 dated 17.02.2017

Sr,

In reference to the above subject matter, we are giving an undertaking as per annexure attached in your above referred letter as follows (also enclosing required Haryana State Pollution Control Board, Faridkot letter no. HSPCL/PTPS/2017/09913 dated 20.02.2017):-

1. Pollution due to transportation road on environment will be effectively controlled and water sprinkling will also be done regularly persisting hawsatha in that area.
2. Vehicles with PAXC only will be allowed to ply for transportation of pond ash.
3. Transportation of pond ash shall be carried out in wet condition through covered trucks only and vehicle carrying pond ash shall not be overloaded.
4. Main haulage roads should be provided with permanent water sprinklers and other roads should be regularly watered with water trucks fitted with sprinklers.
5. Air Pollution due to lifting & handling of pond ash should be controlled and kept in permissible limits specified under Environment's Laws.
6. Efficient safeguard measures such as regular water sprinkling on the pond ash lifting site shall be carried out. It shall be ensured that the Ambient Air quality parameters conform to the norms prescribed by CPCB/HSEAF.
7. The planned restoration, reclamation, rehabilitation of the pond lifting site shall be carried out by earth logging by the M/s Shree Cement Ltd. in order to prevent Air Pollution and public nuisance at later stage.
8. The order of Hon'ble NGT and other courts of law shall be strictly adhered.
9. The road may not be damaged due to transportation and the transportation of pond ash will be as per IRC guidelines with respect to complying with traffic congestion and density.
10. The manner of lifting of pond ash and lowering/clearing of embankments on the ash dyke has been specified by CEA and the same has to be strictly followed during the execution of work. Copy of minutes attached for reference.
11. Laying of 6" thick layer of earth cover has to be done within one month of lifting of pond ash.
12. All transportation of pond ash is to be carried out by M/s Shree Cement Ltd. at their own cost.
13. All the regulations and norms of MoEF and Department of Forest shall be strictly followed.
14. All local issues shall be dealt by your office without any damage to SHCECL.
15. The work of lifting of pond ash has to be completed by 31.12.2017 unless otherwise extended.

Regards,

(Signature)
23/2/17

(Anshu Kishoretiya) ACM-EMP.

(Signature)
23/2/17

(Signature)
23/2/17

JAI PUR OFFICE : 5B-187, Bapu Nagar, Opp. Rajasthan University, JLN Marg, Jaipur-302 016
Phone : 0541 4241260, 4241204, Fax : 0541 4241219
NEW DELHI OFFICE : 122-123, Hans Bhawan, 1, Bhadurshah Zafar Marg, New Delhi 110 007
Phone : 011 23379628, 3079218, 23370776, Fax : 011 23370495
CORP. OFFICE : 31, Strand Road, Kolkata 700 001 Phone : 033-23309801-4 Fax : 033 2304218



HPGCL

ISO 9001, ISO 14001
& OHSAS 18001 Certified

FARIDABAD THERMAL POWER STATION

(A UNIT OF HARYANA POWER GENERATION CORPORATION LIMITED)
(A Government of Haryana Undertaking)

(Regd. Office: C-7, Uja Bhawan, Sec.-6, Panchkula)

Corporate Identity Number: U45207HR1997SGC033517

Website: www.hpgcl.org.in E-mail: arbind.kumar@hpgcl.com.in

Ph. 0129-2232887, 2233477

FAX: 0129-2234277

ANNEX - 18

30

From

Executive Engineer/TPS
HPGCL, Faridabad

To

M/s Shree Cement Ltd.
Regd. Office, Bangur Nagar
Post Box No. 33, Benwar 305 001
Rajasthan (INDIA)

Kind Attn. Sh. Ashish Kulkshreshtha
(AGM-R&M)

Memu. No. Ch.- 6 /CMD-1545

Dated: 23.02.2017

Subject:

Permission for lifting of pond ash from New Ash Dyke, FTPS, Faridabad.

This has reference to approval accorded by BoD, HPGCL, in its 108th meeting dated 21.12.2016 regarding lifting of pond ash from New Ash Dyke FTPS, Faridabad as per your requirement and recommendation of Pollution Control Department, Faridabad vide letter No. HSPCD/FR/2017/4973 dated 20.02.2017 for lifting of pond ash from New Ash Dyke Area Faridabad subject to the following conditions:-

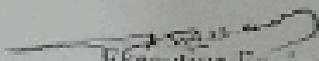
1. Pollution due to transportation load on environment will be effectively controlled and water sprinkling will also be done regularly providing borewells in that area.
2. Vehicles with PUC only will be allowed to ply for transportation of fly ash.
3. Transportation of pond ash shall be carried out in wet condition through covered trucks only and vehicle carrying pond ash shall not be overloaded.
4. Main haulage roads should be provided with permanent water sprinklers and other roads should be regularly wetted with water tankers fitted with sprinklers.
5. Air Pollution due to lifting & handling of pond ash should be controlled and kept in permissible limits specified under Environmental Laws.
6. Effective safeguard measures such as regular water sprinkling on the pond ash lifting site shall be carried out. It shall be ensured that the Ambient Air quality parameters conform to the norms prescribed by CPCB/MoEF.
7. The phased restoration, reclamation, rehabilitation of the pond lifting site shall be carried out by earth topping by the M/s Shree Cement in order to prevent Air Pollution and public nuisance at later stage.
8. The order of Hon'ble NGT and other courts of law shall be strictly adhered.
9. The road may not be damaged due to transportation and the transportation of pond ash will be as per IRC guidelines with respect to complying with traffic congestion and density.

Further as per Memorandum of Understanding (MoU) signed between HPGCL and M/s Shree Cement on dated 22nd February 2017, following are the additional conditions to be followed for lifting of pond ash from New Ash Dyke of FTPS, HPGCL, Faridabad:-

- a) The manner of lifting of pond ash and lowering/clearing of embankments on the ash dyke has been specified by CEA and the same has to be strictly followed during the execution of work. Copy of minutes attached for reference.
- b) Laying of 6" thick layer of earth cover has to be done within one month of lifting of pond ash.
- c) All transportation of pond ash is to be carried out by ~~tractors~~ ~~of~~ M/s Shree Cement at their own cost.
- d) All the regulations and norms of MoEF and Department of Forest shall be strictly followed.
- e) All local issues shall be dealt by your office without any damage to HPGCL.
- f) The work of lifting of pond ash has to be completed latest by 31.12.2017 unless otherwise extended.
- g) HPGCL reserves the right to cancel permission at any stage to lift the pond ash for non compliance of any of the terms and conditions or as per directions of higher authorities of HPGCL.

In view of the above, permission is hereby accorded for commencement of lifting of pond ash from New Ash Dyke of FTPS, HPGCL, Faridabad.
This issues with the approval of SE/FTPS.

DA/As above


Executive Engineer/FTPS
of HPGCL, Faridabad


CC:-

- 1. OSD to MD/HPGCL, Panchkula for kind information of MD/HPGCL please.
- 2. Sr. P.S. to Director/Technical, HPGCL, Panchkula for kind information of Director/Tech. please.
- 3. Sr. P.S. to Director/Generation, HPGCL, Panchkula for kind information of Director/Gen. please.
- 4. Chief Engineer/Planning, HPGCL, Panchkula.
- 5. SE/FTPS, HPGCL, Faridabad
- 6. M/s Shree Cement, Corporate Office, Strand Road, Kolkata 700001.

BEFORE THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI
Original Application No. 339 of 2017

IN THE MATTER OF:

Varun Sheokand Vs. State of Haryana & Ors.

CORAM : HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON
HON'BLE DR. JUSTICE JAWAD RAHIM, JUDICIAL MEMBER
HON'BLE MR. JUSTICE RAGHUVENDRA S. RATHORE, JUDICIAL MEMBER
HON'BLE MR. BIKRAM SINGH SAJWAN, EXPERT MEMBER

Present: Applicant
Respondent No. 1 to 3:
Mr. S. A. Zaidi, Adv. alongwith Ms. Mansi Chahal, Adv.
Mr. Anil Grover, AAG, Mr. Rahul Khurana, Adv. and Mr. Sandeep Yadav, Adv. for State of Haryana, HSPCD
Mr. Rakesh Munjal, Sr. Adv. with Ms. Bhavna Dabhoi, Adv.
Mr. Raj Kumar, Adv. alongwith Mr. Eshwadev Kumar, Adv. for Central Pollution Control Board
Mr. Shikha Chandra, Adv.
Mr. Ram Kumar, Adv. for R-15 & 16

Orders of the Tribunal

Date and Remarks	Item No.	Text	Signature
October 11, 2017	25	<p>It is stated by the Learned Counsel appearing for the Respondents including the Project Proponent, National Highways Authority of India that they are lifting the fly ash from the dumping site and are utilizing it for different purposes. It is further stated that the site shortly would be cleared in its entirety and would be filled in accordance with the prescribed rules.</p> <p>In view of the statement made, nothing survives in this application and the same is disposed of.</p> <p>Thus, Original Application No. 339 of 2017 stands disposed of, without any order as to cost.</p>	<p>.....CP (Swatanter Kumar)</p> <p>.....JM (Dr. Jawad Rahim)</p> <p>.....JM (Raghuvendra S. Rathore)</p> <p>.....EM (Bikram Singh Sajwan)</p>

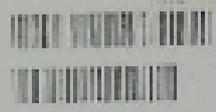


Indian Non Judicial Stamp
Haryana Government



Date: 20/02/2018

Creation No: 30/2018/24
GRN No: 13300309



Stamp Duty Paid: ₹ 100
Penalty: ₹ 0

Seller / First Party Detail

Name: Shree Cement Ltd
H No/Floor: 0 Sector/Ward: 0 LandMark: 0
City/Village: Bawal District: Ajmer State: Rajasthan
Phone: 9215703367



Buyer / Second Party Detail

Name: Haryana Power generation
H No/Floor: 0 Sector/Ward: 0 LandMark: 0
City/Village: Panchkula District: Panchkula State: Haryana
Phone: 9216300957



Purpose: MEMORANDUM OF UNDERSTANDING

The authenticity of this document can be verified by scanning the QR Code through mobile phone or on the website www.hpncg.com

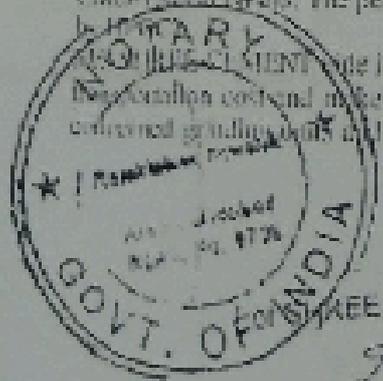
MEMORANDUM OF UNDERSTANDING BETWEEN HARYANA POWER GENERATION CORPORATION LIMITED AND M/S SHREE CEMENT LTD, BAWAL, RAJASTHAN IN RELATION TO POND ASH FROM NEW ASH DYKE AREA OF FARIDABAD THERMAL POWER STATION IN VILLAGE BARKHAL, PALLAH BHAS KRI IN FARIDABAD.

Date: 27th Feb 2018
This MOU is signed on this 27th day of Feb. 2018 between HARYANA POWER GENERATION CORPORATION LIMITED (HPGCL), a Company incorporated under Companies Act, 1956 which is successor, administrator & permittee assigned through State Vikram Pat, Superintending Engineer (TPS) HPGCL, Faridabad, an authorized representative of HPGCL as party of one part and M/S SHREE CEMENT LTD, Bawal, Rajasthan, which includes its successors administrator and permittee assigned through State Anshik Kulkarni, DGM-RMP, Bawal, (G), which an authorized representative of M/S SHREE CEMENT LTD, Bawal, Rajasthan, as party of other part.

1. INTRODUCTION:

Faridabad Thermal Power Station (FTPS) has been placed out in 2010 and about 22.25 lakh metric tonnes of Ash is generated in New Ash Dyke Area in Village Barkhal, Panchkula in Faridabad. This ash is being used for the construction of the firm was considered by HPGCL and in principal approval accorded by A.P.S. Power in File No. CMO-1514/HP-10. The permission was accorded shall be granted from B&D, HPGCL in due course of time.

In its letter seeking permission dt. 13.12.2017 copy attached herewith, M/S SHREE CEMENT LTD, Bawal, Rajasthan, has requested for necessary arrangements to lift the pond ash at their own cost and to invoice to be raised for any payment for lifting ash. It is agreed that the cost of lifting ash shall be borne by M/S SHREE CEMENT LTD, Bawal, Rajasthan.



SHREE CEMENT LTD.
Anshik Kulkarni
Authorized Signatory

Superintending Engineer
FTPS, HPGCL, FARIDABAD

M/s SHREE CEMENT Ltd., Bawar, Rajasthan had got amended permission from Haryana State Pollution Control Board, Faridabad vide Reference No. HS/PCB/FR/2017/4973 dated 20.02.2017 vide which various conditions to be complied with by M/s Shree Cement Ltd. were elaborated (copy attached). M/s Shree Cement shall comply with the same as per the permission granted by ACS (Power) and clearance from Haryana State Pollution Control Board, Faridabad being already in place. M/s SHREE CEMENT Ltd., Bawar, Rajasthan is allowed to lift the pond ash for another 6 months if the performance found satisfactory. Details of the following scope of work:

In addition to terms and conditions stipulated by Haryana State Pollution Control Board, Faridabad, M/s SHREE CEMENT Ltd., Bawar, Rajasthan, shall comply with the following terms and conditions:

- (i) Since there are earthen embankments on two sides of the dyke surrounding ash pond, these embankments shall remain ash only. Their height has to be lowered alongwith lifting of ash in stages manner from one side as per directions of expert from CEA (Annexure-A). The safety of Ash dyke has to be ensured by M/s Shree Cement Ltd., Bawar, Rajasthan. However, lowering and ultimately removal of the embankment shall be carried out by M/s Shree Cement Ltd., Bawar, Rajasthan at their own cost without involving any charge to HPGCL.
- (ii) M/s Shree Cement Ltd., Bawar, Rajasthan will carry out laying of 6 inches thick layer of earth cover within one month of lifting of pond ash.
- (iii) All the regulations and norms of Ministry of Environment and Forest with respect to pollution shall be strictly followed by M/s Shree Cement Ltd., Bawar, Rajasthan for lifting of pond ash. Any orders, notices, penalties etc. for violating any Environmental Law or Regulations of MoEF shall be met by M/s Shree Cement Ltd., Bawar, Rajasthan and HPGCL shall be kept indemnified by M/s Shree Cement Ltd., Bawar, Rajasthan.
- (iv) Any local issues emanating as a result of lifting/transportation of ash shall be dealt by M/s Shree Cement Ltd., Bawar, Rajasthan including damage caused to the roads during transportation and traffic etc.
- (v) HPGCL shall maintain a register at site for the documentary proof of work done and to be done on Ash Dyke, Faridabad on monthly basis so that progress in this regard can be monitored by HPGCL. M/s Shree Cement Ltd., Bawar, Rajasthan.
- (vi) Additional Terms and Conditions by HPGCL as contained in Annexure B shall be strictly followed by M/s Shree Cement Ltd., Bawar, Rajasthan (copy attached).
- (vii) This MoU shall remain valid upto 24.02.2018 however, parties with their mutual consent can extend the period of this MoU. Both the parties will be bound by the conditions of this MoU.
- (viii) HPGCL reserves the right to cancel permission to M/s Shree Cement Ltd., Bawar, Rajasthan to lift the pond ash for non compliance of any of the terms and conditions or as per directions of higher authorities of HPGCL.

Signed on this date month & year by & between:

For M/s Shree Cement Ltd., Bawar, Rajasthan
For Shree Cement Ltd.

[Signature]
Authorised Signatory



WITNESSES:
1. *[Signature]*
2. *[Signature]*
(991936000)

FOR HARYANA POWER GENERATION CORPORATION LIMITED

[Signature]
Superintending Engineer
FTPS, HPGCL, FARIDABAD

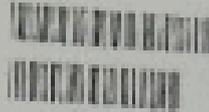
WITNESSES:
1. *[Signature]*
2. *[Signature]*

Place: Faridabad Date: 27th Feb. 2018

TESTED
NOTARY
FARIDABAD (Hr)
28 FEB 2018



Vehicle No: DCY20181004
GN No: 37920000



Stamp Duty Paid: ₹ 100
Penalty: ₹ 0

Seller / First Party Detail

Name: Shree Cement Ltd
Area/Floor: 0
City/Village: Beawar
Post: 3215200567
Sector/Ward: 0
District: Ajmer
LandMark: 0
State: Rajasthan



Buyer / Second Party Detail

Name: Haryana Power Generation Corporation Ltd
Area/Floor: 0
City/Village: Faridabad
Post: 0
Sector/Ward: 0
District: Faridabad
LandMark: 0
State: Haryana



Purpose: Agreement

The authenticity of this document can be verified by scanning the QR Code through smart phone or an Android to HPS Registry net.

MEMORANDUM OF UNDERSTANDING BETWEEN HARYANA POWER GENERATION CORPORATION LIMITED AND M/S SHREE CEMENT LTD, BEAWAR, RAJASTHAN FOR LIFTING OF POND ASH FROM NEW ASH DYKE AREA OF FARIDABAD THERMAL POWER STATION IN VILLAGE BAIKHAL, PALI AND BHANKRI IN FARIDABAD.

Date: 27th August 2018

Place: Faridabad.
This MOU is signed on this 27th day of August 2018 between HARYANA POWER GENERATION CORPORATION LIMITED (HPGCL), a Company incorporated under Companies Act 1956 which includes as its officer, administrator & permitted assignee through Smt Vikram Pal, Superintending Engineer of HPS, HPGCL, Faridabad an authorized representative of HPGCL, as party of one PART and M/S SHREE CEMENT Ltd, Beawar, Rajasthan, which includes its successive administrator and permitted assignee through Smt Anshika Kulkarni, DGM (RMP), Beawar, (Rajasthan) an authorized representative of M/S SHREE CEMENT Ltd, Beawar, Rajasthan, as party of other part.

1.0 INTRODUCTION:

Faridabad Thermal Power Station (FTPS) has been phased up in 2010 and about 20 lakh Cubic Meter of ash is deposited in New Ash Dyke Area in Village Baikhal, Pali & Bhankri in Faridabad. This ash has been reported to be lifted by M/S SHREE CEMENT Ltd, Beawar, Rajasthan, for its re-manufacturing of Portland cement. The request of the firm to grant extension beyond 26.08.2018 was considered by Chief Engineer (HPS), HPGCL. Permission of approval has been accorded by Chief Engineer (HPS), HPGCL, Faridabad in File No. CMD-1545 dated 27.08.2018 to grant extension for lifting of pond ash for 6 months w.e.f 27.08.2018. M/S SHREE CEMENT vide its letter dated 05.09.2018 (copy attached) for seeking extension for lifting of pond ash had agreed to fill pond ash on prevailing terms and conditions i.e. to bear all transportation cost and make necessary arrangements to fill the pond ash at their own cost and to take the same free of cost for grinding units and no amount is to be raised for any payment for lifting of ash from New Ash Dyke. In addition, M/s Shree

For SHREE CEMENT LTD.
[Signature]
02/09/18
Authorized Signatory

[Signature]
Superintending Engineer
FTPS, HPGCL, FARIDABAD

cement vide its letter dt. 06.01.2018 and had further undertaken that in order to contain pollution, they will install water sprinklers and carry out plantation etc. at HPGCL Ash Dyke area. Further, it has also been undertaken by M/s Shree Cement vide e-mail dated 20.08.2018 to perform CSR activities at PTPS Colony for an estimated cost of approx. Rs. 10 lakh in the coming months.

M/s SHREE CEMENT Ltd., Beawar, Rajasthan had got accorded permission from Haryana State Pollution Control Board vide Reference No. HSPCB/FR/2017/1973 dated 20.02.2017 vide which various conditions to be complied with by M/s Shree Cement Ltd. were elaborated (copy attached). M/s Shree Cement shall comply with the same in true letter and spirit during the course of lifting.

Based upon the permission granted by Chief Engineer/PTPS, HPGCL, Panipat and clearance from Haryana State Pollution Control Board, Faridabad being already in place, M/s SHREE CEMENT Ltd., Beawar, Rajasthan is allowed to lift the pond ash from New Ash Dyke Faridabad for a period of 6 months free of cost w.e.f. 27.08.2018.

Details of the following scope of work:-

SCOPE OF WORK:

2. In addition to terms and conditions stipulated by Haryana State Pollution Control Board, Faridabad, M/s SHREE CEMENT Ltd., Beawar, Rajasthan, shall comply with the following terms and conditions also:-
- (i) Since, there are earthen embankments on two sides of the dyke encapsulating ash and these are designed to retain ash only. Their height has to be lowered alongwith lifting of ash in sliced manner from the site as per directions of expert from CEA (Annexure-A). The safety of Ash dyke has to be ensured by M/s Shree Cement Ltd., Beawar, Rajasthan. However, lowering and ultimately removal of these embankments is to be carried out by M/s Shree Cement Ltd., Beawar, Rajasthan at their own cost without causing any damage to HPGCL.
 - (ii) M/s Shree Cement Ltd., Beawar, Rajasthan will carry out laying of 6 inches thick layer of earth cover within one month of lifting of pond ash.
 - (iii) All the regulations and norms of Ministry of Environment and Forest with respect to pollution shall be strictly followed by M/s Shree Cement Ltd., Beawar, Rajasthan for lifting of pond ash. Any orders/strictures/penalties etc. for violating any Environmental Law or Instructions of MoEF shall be met by M/s Shree Cement Ltd., Beawar, Rajasthan and HPGCL shall be kept indemnified by M/s Shree Cement Ltd., Beawar, Rajasthan.
 - (iv) Any local issues emanating as a result of lifting/transportation of ash shall be dealt by M/s Shree Cement Ltd., Beawar, Rajasthan including damage caused to the roads during transportation and traffic etc.
 - (v) HPGCL shall maintain a register at site for the documentary proof of total ash lifted from the New Ash Dyke, Faridabad on monthly basis so that progress in this regard can be monitored by HPGCL & M/s Shree Cement Ltd., Beawar, Rajasthan.
 - (vi) Additional Terms and Conditions by HPGCL as contained in Annexure-B shall be strictly followed by M/s Shree Cement Ltd., Beawar, Rajasthan (copy attached).
 - (vii) This MoU shall remain valid upto 26.02.2019.
 - (viii) Both the parties will be bound by the conditions of this MoU.
 - (ix) HPGCL reserves the right to cancel permission to M/s Shree Cement Ltd., Beawar, Rajasthan at any stage to lift the pond ash for non compliance of any of the terms and conditions or as per directions of higher authorities of HPGCL.

Signed on this date month & year by & between.

For M/s Shree Cement Ltd., Beawar, Rajasthan.

For SHREE CEMENT

Abhishek
 27/8/18
 Authorised Signatory

FOR HARYANA POWER GENERATION CORPORATION LIMITED

Vijay Kumar
 SUPERINTENDING ENGINEER
 FTPS, HPGCL, FARIDABAD

WITNESSES:

Nishant
 NISHANT UANI
 9917360006

WITNESSES:

- 1.
- 2.

Place: Faridabad

Date: 27th August 2018

Page 2 of 2



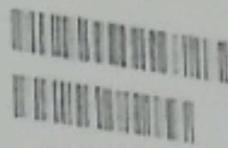
Indian-Non Judicial Stamp
Haryana Government



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Date: 11/03/2019

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Stamp Duty Paid: ₹ 150
Penalty: ₹ 0

Seller / First Party Detail

Shree Cement Limited

Sector/Ward: 0

LandMark: 0

Block: 0

District: Beawar

State: Rajasthan

Buyer / Second Party Detail

Fardabad Thermal Power station Hpgcl

Sector/Ward: 0

LandMark: 0

Block: 0

District: Fardabad

State: Haryana



Agreement

The authenticity of this document can be verified by scanning this QR code. Through smart phone you can visit to <http://hpclregistering.in>

MEMORANDUM OF UNDERSTANDING BETWEEN HARYANA POWER GENERATION CORPORATION LIMITED AND M/S SHREE CEMENT LTD., BEAWAR, RAJASTHAN FOR LIFTING OF POND ASH FROM NEW ASH DYKE AREA OF FARIDABAD THERMAL POWER STATION IN VILLAGE BADKHAL, PALI AND BHANKRI IN FARIDABAD.

Date: 13th March 2019

This Memorandum was entered into on the 13th day of March 2019 between HARYANA POWER GENERATION CORPORATION LIMITED (HPGCL), a Company incorporated under the Companies Act, 1956 which is fully owned by Government of Haryana, its authorized representative A. permitted assignee through Shri Vikram Patil, Superintending Engineer (EPS) HPGCL, Fardabad Thermal Power Station, an authorized representative of HPGCL as party of one PARTIES, M/S SHREE CEMENT LTD., Beawar, Rajasthan, its authorized representative as licensors administrator and permitted assignee through Shri Aashish Kulkarni, Shri D.G.M RMP, Fardabad Thermal Power Station, an authorized representative of M/S SHREE CEMENT LTD., Beawar, Rajasthan.

BACKGROUND

1. The Faridabad Thermal Power Station (FTPS) had been phased out in 2010 and about 18 to 20 lakh Cubic Metre of ash was accumulated in New Ash Dyke Area in Village Badkhal, Pali & Bhankri in Fardabad. This ash has been resorted to by M/S SHREE CEMENT LTD., Beawar, Rajasthan, for its manufacturing of cement after processing. The request for extension beyond 26.02.2019 was considered and approved by M/S Power and T&E, HPGCL, Fardabad to grant extension for lifting of pond ash for 3 months w.e.f. 01.03.2019. Accordingly, M/S SHREE CEMENT LTD. was permitted to lift pond ash from New Ash Dyke w.e.f. 01.03.2019. The memorandum of understanding was signed by HPGCL to accord ex-post facto approval.

2. M/S SHREE CEMENT LTD. vide its letter dated 14.01.2019 and 25.01.2019, attached herewith, requested for extension of period of lifting of pond ash and agreed to lift pond ash on prescribed terms and conditions.

(Signature)
Superintending
EPS, HPGCL, FARIDABAD

(Signature)
11/3/19

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Shree Cement own all responsibility as a result of any court case...
its period of lifting or thereafter as a result of having lifted the...
...
... shall be bound by the conditions of this MoU
... reserves the right to cancel permission to M/s Shree Cement Ltd, Beawar, Rajasthan at any time in the
... shall for non compliance of any of the terms and conditions...
... And shall return BG of Rs 10 Lacs accordingly
... date month & year by & between.

For SHREE CEMENT LTD. For M/s Shree Cement Ltd, Beawar, Rajasthan
DGM-RMP

Signature
13/3/19
Approved Sign

FOR HARYANA POWER GENERATION CORPORATION LIMITED
SUPERINTENDING ENGINEER/FTS

WITNESSES:
Hemant (Hemant Singh)

(NISHANT UAD)
9219360006

WITNESSES:

A.K. Gupta AEE/FTS

(Deepak Phogat)
x on/FTS

Date: 15th March 2019

NOC issued by HSPCB. The firm had been specifically asked to level the surface simultaneously and clad the same with 6" of earth layer during this period specially because of the summer months during which the firm was to lift the pond ash. An additional Bank Guarantee of Rs 10 Lakh too has been got deposited by HPGCL from the firm against the leveling and cladding work. Copy of the MoU placed at Annexure-II.

- 4. That HPGCL had been keeping a close watch on the situation and had been taking up the matter of containing the pollution at site through various references. Dated on 7.4.2019, 9.4.2019, 17.4.2019 and 9.5.2019. On 15.5.2019, the firm has been apprised of the subject cited Show Cause Notice with stern repercussions. The copies of all these references are placed at Annexure-III to VIII.
- 5. That the issue of pollution has been dealt with by this office in right earnest and the firm has carried out levelling of the surface and even the work of cladding the surface is in progress with about 70-75% of the site having been clad with 6" of earth layer to contain the pollution caused from ash getting airborne.
- 6. That all out efforts are being made by HPGCL to make the firm, M/s Shree Cement Ltd to comply with all the T&Cs to contain the pollution at site. Also, the present MoU by HPGCL with M/s Shree Cement Ltd to lift pond ash is up to 04.06.2019 and the firm has been asked to deploy all its resources to contain the pollution at site in order to comply with T&Cs of the MoU vis à-vis containing pollution. The firm has been advised to stop the lifting work till the compliance to the observations of HSPCB is made by the firm.

In addition, it is submitted that HPGCL is seriously considering setting up of a Solar Power project at this site which provides clean energy. An MIT for the same is likely to be issued shortly. With the setting up of the project, the problem of pollution on this ground would be addressed permanently.

Submitted please.

Vignam

for Superintending Engineer/PTPS
Managing Director/HPGCL
Panchkula

CC

- ✓ 1. OSD to MD/HPGCL - for kind information of MD/HPGCL.
- 2. SPS to Dir/Tech - for kind information of Dir/Tech, HPGCL
- 3. CF/PTPS, Panipat - for information please.

Subject - Status Report of state of pollution at New Ash Dye PPS, HPGCL, Faridkot.

1. It is noted that at the site of Thermal Power Plant of HPGCL at Faridkot were phased out in 2010 and thereafter there is no generation of fly ash. The ash generated during commissioning work was deposited in New Ash Dye Faridkot.

2. Board of Directors, HPGCL accorded permission to NWS and M/s Shree Cement Ltd. to lift the pond ash from New Ash Dye PPS Faridkot in 2010 (with 31.10.2017) in accordance with the notification issued by HSEF on dated 14.09.2009 and further amended on 25.05.2015 & 29.01.2016 to be used as a material for infrastructure projects.

3. M/s Shree Cement was further allowed to lift pond ash for a period of six months with effect from 27.02.2015, which was extendable by another six months. M/s Shree Cement Limited was further allowed by Board HPGCL to lift pond ash for a period of three months with effect from 05.03.2015.

4. M/s HCL had been allowed to lift pond ash subject to fulfillment of all the requisite terms and conditions to contain the pollution at site. Following measures were taken by the firm for the purpose:

- (i) Sprinkling of water on the exposed surface to avoid the dust getting air borne.
- (ii) Covering of the trucks/hoppers carrying pond ash in order to avoid any spillage during transportation.
- (iii) In addition pond ash was to be carried in wet condition to avoid any spillage from getting air borne.

5. Despite all the measures outlined above, there was some nuisance of dust in the month of May 2019 due to consecutive hot winds blowing in the area. Even on lifting of pond ash was temporarily suspended. HCL, HPGCL, Faridkot issued a show cause notice on dated 03.05.2019 following which the lifting of pond ash was completely stopped and almost all the exposed surface was covered with wetted pond ash within two weeks to stop any further pollution at site. The SOT was duly notified by this office on dated 21.05.2019. Thereafter no lifting has been allowed at site and there is no pollution caused due to the same.

6. Hon'ble NGT passed an order dated 20.09.2019, based on a complaint received by it through Govt. Of Faridkot and HPGCL was to file the status report in NGT with HSPCB being the nodal agency. It is further submitted that in order to take a long term measure for controlling pollution at site, HPGCL is in the process of setting up a solar power project at site for which NIT has already been started. It is expected that the work regarding the solar project will start in due course of time.

7. No further permissions is being granted to any firm to lift pond ash from New Ash Dye, Faridkot. After the summer monsoon season there is a growth of vegetation on the covered surface and there would be no pollution due to the same in the coming time.

Submitted please


 Manoj Kumar
 21/11/2019
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 For HPGCL


 D. J. Singh
 Managing Director, HPGCL, Faridkot
 (PGCL)



HPGCL
 HARYANA POWER GENERATION CORPORATION
 A PUBLIC LIMITED COMPANY

FARIDABAD THERMAL POWER STATION, FARIDABAD
 A unit of Haryana Power Generation Corporation Ltd.
 Office No. 23/1 Type-IV, Thermal Colony, Sector-23, Faridabad
 (Regd. Office: C-7, Ugra Bhawan, Sector-6, Panchkula)
 Corporate Identity Number: UG12CH000197504 012017
 Website: www.hpgcl.org.in email: info@hpgcl.org.in
 Ph: 0129-2234777

ANNEX - XVI

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From: Superintending Engineer/FTPS,
 HPGCL, Faridabad.

To: Regional Officer,
 HSPCB, Faridabad.

Memo No. Ch- 182/CMD-1545/Loose Dated: 01.01.2020

Subject: OA no. 529/2019 titled as Chetram Chaudhary Vs State of Haryana and OA
 no. 788/2019 titled as Sagar Bhutani Vs State of Haryana.

Please refer to your office memo no. HSPCB/FR/2019/4493 dated 30.12.2019
 regarding the subject noted above.

In this context, it is intimated that MOEF notifications regarding 100% utilization of
 Fly Ash are applicable in case of running Thermal Power Stations generating Fly/pond Ash
 and it is to intimate that FTPS plant was phased out in the year 2010 and since then there is
 no Fly/pond Ash generation from FTPS Faridabad.

The air pollution in the area adjacent to New Ash Dyke is caused due to lifting of
 Pond Ash being fine ash which gets easily air borne from the exposed surface. The lifting of
 pond Ash has been stopped in May 2019 and there is no proposal for lifting of pond Ash near
 future. It is further intimated that since HPGCL is in the process of installation of Solar Power
 Plant in the New ash Dyke area, there would be no lifting of Pond Ash settled at the Dyke
 and accordingly there would not be any scope for pollution in the neighboring area. It is also
 worth mentioning here that even NTPC Ltd. has developed a park over their Ash Dyke Area
 at Badarpur. As such, planning of HPGCL to develop solar power plant at the site is a step
 towards containing pollution at site and also for permanent relief to the adjoining residents
 from pollution and environment friendly power station in the region.

[Signature]

Executive Engineer
 for Superintending Engineer/FTPS
 HPGCL, Faridabad

[Signature]

CC: 1. CE/FTPS, HPGCL, Panipat
 2. SE/FTPS, HPGCL, Faridabad.