

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
WESTERN ZONE, AT PUNE
ORIGINAL APPLICATION NO. 54/2024 (WZ)
WITH I.A. NO. 220/2024(WZ)**

IN THE MATTER OF:

KULDIP SINH KHIMJI SODHA

...APPLICANT

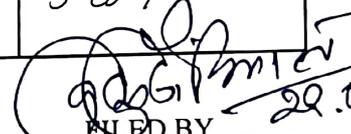
VERSUS

UNION OF INDIA & ORS

...RESPONDENT(S)

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 FILED BY
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M-9810625315

(For Respondent No. 6 & 9)

Place- New Delhi

Date- 29-04-2025

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
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**REPORT ON BEHALF OF CENTRAL GROUND WATER BOARD, WCR
(R-6) AND CENTRAL GROUND WATER AUTHORITY (R-9)**

Most Respectfully submitted that:-

1. In the Original Application, the applicant i.e. Kuldip Sinh Khimji Sodha prayed before Hon'ble National Green Tribunal (WZ), Pune for direction to the CGWA (Respondent No. 6 & 9) and District Administration to seal the bore wells and restrain the industry (i.e. R-8 Gujarat State Electricity Corporation Limited, Kutch Lignite Thermal Power Station) from extracting ground water. It has been also alleged that the R-8 also violated the Environmental Clearance (EC) condition No. VII issued by GOI, Ministry of Environment & Forest wherein it has been stated that "water requirement for entire station (existing + expansion) should be met from sea", as well as clause no. 7.10 of CCA dated 13.07.2018 issued by Gujarat Pollution

Control Board (GPCB), which states that “*Applicant shall not use/withdraw ground water either during construction and /or operation phase*”.

2. That during the hearing dated 01.04.2025, Hon’ble Tribunal vide para 5 of the order dated 01.04.2025 issued directions to Respondent Nos. 6 & 9 and Respondent No. 8. Para 5 of the order is reproduced hereunder:-

“In regard to the above, we deem it appropriate that the total amount of EDC, which Respondent Nos. 6 & 9 finds appropriate to be levied from Respondent No. 8, on account of extraction of ground water illegally without permission, should be calculated after giving opportunity of hearing to Respondent No. 8 and thereafter, file an additional affidavit in that regard so that it will assist this tribunal to arrive on the total amount of EDC to be levied from Respondent No. 8 and if any objection against the said calculation is required to be filed, Respondent No. 8 would have an opportunity to file the same before this Tribunal. We allow the request made by Learned Counsel for Respondent No. 8 and direct respondent No. 8 to appear before Respondent No. 6 & 9 within a period of 15 days and within two weeks thereafter, report shall be submitted by Respondent Nos. 6 & 9 with respect to the amount of EDC which requires to be levied from Respondent No. 8 for extraction of groundwater illegally without permission”.

3. In pursuance to the directions of Hon’ble Tribunal, a personal hearing was held on 08.04.2025 at 11:00 hrs at Central Ground Water Board, CHQ, Faridabad under the chairmanship of Chairman, CGWA, at CHQ, Faridabad. After hearing views of the Respondent No. 8 and review of documents submitted with the application for NOC, it is decided that the Respondent No. 8 extracted ground water without NOC from CGWA. Hence, liable for

payment of Environmental Compensation (EC). Amount of EC applicable i.e. Rs. 223 crores, as per extant guidelines with basis of calculation was communicated to the Respondent No. 8. Request of Respondent No. 8 for stay on the payment of EC till the final court order was agreed upon. Minutes of the Meeting of Personal Hearing are Annexed here as **Annexure-I**.

4. CGWA did not issue NOC for groundwater to R-8 in the wake of the condition laid down in clause 7.10 of CCA dated 13.07.2018, which was submitted by R-8 along with the application for NOC. Since R-8 extracted groundwater without NOC from CGWA, the Environmental Compensation to the tune of Rs. 223 Crores is applicable i.e. from 24.09.2020 to 25.04.2024.
5. Therefore, in the light of the above facts and submissions, it is prayed that the Hon'ble Tribunal may please pass an appropriate order which deem to be fit FILED BY


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(For Respondent No. 6 & 9)

Place- New Delhi

Date- 29-04-2025

Minutes of the Personal Hearing to Respondent No. 8 i.e. Gujarat State Electricity Corporation Ltd, Kutchh Lignite Thermal Power Station

In the matter O.A. 54/2024 titled as Kuldip Singh Khimji Sodha Vs Union of India & Ors.,

National Green Tribunal (WZ), Pune

Date: 8th April 2025

Venue: Central Ground Water Board, Bhujal Bhawan

A. Brief background of the OA

1. In the Original Application, the applicant i.e. Kuldip Singh Khimji Sodha prayed before Hon'ble National Green Tribunal for direction to the CGWA (Respondent No. 6 & 9) and District Administration to seal the bore wells and restrain the industry (i.e. R-8 Gujarat State Electricity Corporation Limited, Kutch Lignite Thermal Power Station) from extracting ground water. It has been also alleged that the R-8 also violated the Environmental Clearance (EC) condition No. VII issued by GOI, Ministry of Environment & Forest wherein it has been stated that **“water requirement for entire station (existing + expansion) should be met from sea”**, as well as clause no. **7.10 of CCA issued by Gujarat Pollution Control Board (GPCB), which states that “Applicant shall not use/withdraw ground water either during construction and /or operation phase”**.
2. **Brief of CGWA response filed on 05.11.2024:** In Para-3 of its reply dated 05.11.2024, CGWA stated the following.

*“Para 7.0 of the extant guidelines provides that “Abstraction of saline groundwater in areas having either saline groundwater at all depths or pockets of saline groundwater in an otherwise freshwater area for use by industries or for dewatering by infrastructure or mining projects, including those in over-exploited areas, is encouraged. Such industries shall be exempt from paying groundwater abstraction charges”. However, since **Clause 7.10 of the CCA issued by Gujarat Pollution Control Board unequivocally stipulates that “the applicant shall not use or withdraw groundwater during either the***

construction or operation phase”, the CGWA is unable to issue an NOC for groundwater extraction to the firm.”

3. Hon’ble NGT (WZ), Pune vide **order dated 07.11.2024** directed CGWA to file additional affidavit as to ***“what this revival means of the said application and if the NOC was rejected and the industry continued to extract groundwater, what penal action was taken at their end”***. CGWA filed **additional affidavit on 03.01.2025** wherein CGWA stated that extraction of groundwater without valid NOC shall be treated as illegal, and the firm is liable to pay Environmental Compensation (EC).
4. In its order dated **01.04.2025**, Hon’ble Tribunal vide para 5 of the order directed that *the total amount of EDC, which Respondent Nos. 6 & 9 finds appropriate to be levied from Respondent No. 8 on account of extraction of ground water illegally without permission, should be calculated after giving opportunity of hearing to Respondent No. 8 and thereafter file and affidavit in that regard so that it will assist this tribunal to arrive on the total amount of EDC to be levied from Respondent No. 8 and if any objection against the said calculation is required to be filed, Respondent No. 8 would have an opportunity to file the same before this Tribunal. Furthermore, respondent No. 8 was directed to appear before Respondent Nos. 6 & 9* within a period of 15 days and within two weeks thereafter, Respondent Nos. 6 & 9 to submit report with respect to the amount of EDC which requires to be levied from Respondent No. 8 for extraction of groundwater illegally without permission.

B. Proceedings of Hearing

1. In pursuance to directions of Hon’ble Tribunal, a **personal hearing was held on 08.04.2025** at 11:00 hrs at Central Ground Water Board, CHQ, Faridabad under the chairmanship of Chairman, CGWB, at CHQ, Faridabad. Sh Vinod Kumar Dhaundiya, Administrator briefly summarised the case as well as the objective of the meeting.

2. Mr. P.R. Patel from GSECL/ Kutch Lignite Thermal Power Station (Respondent-8) introduced the agenda and delegated the technical representation to **Mr. Malav Dalwadi**, CEO of T R Associates and Environment Pvt. Ltd.
3. Mr. Dalwadi began by extending gratitude to the CGWA members and presented the background of M/s **Kachchh Lignite Thermal Power Station (KLTPS)**, part of **Gujarat State Electricity Corporation Ltd. (GSECL)**. Key points of the presentation included:
 - i. GSECL, established in 1960, is a public sector undertaking engaged in power generation.
 - ii. KLTPS had permissions for 2x70 MW units (since 1990), 1x75 MW unit (since 1997), and an additional 1x75 MW unit (since 2009).
 - iii. The 2x70 MW units were decommissioned on **01.01.2020**, and one 75 MW unit is under forced shutdown, leaving only **1x75 MW** unit operational.
 - iv. Water consumption has been reduced from **27,240 KLD to 12,600 KLD**, with decommissioning evidence provided. **(Attached as Annexure-1)**
 - v. KLTPS operates in full compliance with applicable laws, having obtained:
 - a. **Environmental Clearance (EC)** from MoEF & CC, New Delhi
 - b. **Consent to Establish (CTE)** and **Consent to Operate (CTO)** from GPCB
 - vi. As per the EC amendment (2009), the unit is permitted to use **saline/brackish water**. TDS in groundwater exceeds 5000 mg/l, qualifying it as saline.
 - vii. Mr. P.R. Patel emphasized the **strategic location** of KLTPS near the **India-Pakistan international border (Kutch)** and its role in **supplying power to nearby villages**. He appealed that the **₹223 crore compensation is unaffordable** and may lead to plant closure, affecting over **800 local employees**.

C. **Request of Respondent No. 8**

1. **Waiver of Environmental Compensation**

Vide letter dated **11.03.2025**, GSECL had submitted a request for **waiver of EC**, citing CGWA Office Memorandum No. CGWA-21/6/2020-CGWA-1111 dated 12.03.2024 which provides:

- i. Relief to existing projects extracting **saline groundwater**
- ii. Exemption from EC and groundwater abstraction charges

The GSECL reiterated their request during the hearing.

2. **Additional Document Submitted by GSCEL**

The GSCEL showed revised Environmental Clearance of 2009, wherein use of groundwater was permitted. The GSCEL informed that the GPCB issued the CCA without considering the above fact.

3. **Request for stay on payment of EC:**

Ms. Nita, Legal Officer, requested a stay on the payment of EC until final court orders are issued.

D. Comments/ Observations of CGWA during the Hearing:

1. CGWA stated that for processing of NOC application, CTE, CTO, CCA issued by the CPCB/SPCB is mandatory document. CGWA issues NOC to the Project Proponents on the basis of quantum of groundwater authorized in CTO/CCA. **However**, clause 7.10 of the CCA dated 13.07.2018 issued by GPCB to the Respondent No. 8 states that “**Applicant shall not use/withdraw ground water either during construction and /or operation phase**”. Accordingly, application No. 21-4/3255/GJ/IND/2017 was rejected by the CGWA.
2. Relief/exemption from Environmental Compensation and groundwater extraction charges for extraction of saline groundwater is only applicable for the Project Proponents who are permitted to extract groundwater as per CCA/CTO issued by the Pollution Control Board.
3. Since **revised CCA** issued by Gujarat Pollution Control Board on 31/07/2023 permits the Respondent No. 8 to extract groundwater up to 12600 KLD vide clause 3.1 & 3.2 of the CCA, the CGWA processed the fresh application No. 21-4/11810/GJ/IND/2024 dated 26.04.2024 for issuance of NOC.
4. Accordingly, extraction of groundwater from 24.09.2020 to 25.04.2024 without NOC has been considered as illegal and Environmental Compensation to the tune of Rs. 223 Crores is applicable.

E. Decisions of CGWA:

After hearing to the Respondent No.8, following decisions were taken by the Chairman, CGWA.

1. GSECL will submit the chronology of events to CGWA, New Delhi as well as to Hon'ble NGT.
2. The Affidavits dated 05.11.2024 and 03.01.2025 filed by CGWA may be read through carefully by GSECL for clarity about CGWA stand and for further line of action. The same were made available to GSECL by CGWA.
3. It is advised that GSECL will approach GPCB for necessary amendment in the CCA issued on 13.07.2018 in accordance with Environmental Clearance of 2009.
4. Based on the amended CCA, the GSECL will submit its defence before Hon'ble NGT before the next hearing.
5. It was agreed upon that the application will not be rejected and decision to review Environmental Compensation imposed will depend upon the outcome of hearing scheduled for 23.06.2025 before NGT (WZ), Pune.

F. The meeting ended with vote of thanks to the Chair.

List of Participants :

In-chair : Dr. Sunil Kumar Ambast, Chairman, CGWA

| FROM CGWA | FROM GSECL |
|---|---|
| Shri T.B.N. Singh – Member Secretary, CGWA | Mr. P.R. Patel – Chief Engineer |
| Dr. Bhushan R. Lamsoge, Sc 'D' & Head of Office, CGWA | Mr. D.D. Parmar |
| Dr. Vikas Ranjan, Sc 'D' | Mr. M.K. Helaiya |
| Sh. Junaid Ahmad, Sc 'C' | Ms. Nita, Legal Officer |
| Sh. Vinod Kumar Dhaundiyal, Administrator | Mr. Anil Soni – Advocate |
| | Mr. Malav Dalwadi – CEO, T R Associates and Environment Pvt. Ltd. |
| | Mr. Gaurang Patel |