

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

Original Application No. 878 of 2022

IN THE MATTER OF:

Tamil Nadu Fly Ash Brick and Blocks
Manufacturers Association. ... Applicant

Versus

Union of India, Through its secretary,
Ministry of Environment,
Forests and Climate Change,
Paravaran Bhawan, Jorbagh,
New Delhi-110 003 & Ors ... Respondents

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Stranding Counsel for
Tamil Nadu Pollution Control Board
340, M.C. Setalvad Block,

Filed on 18.12.2024

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1. Union of India,
Through its Secretary,
Ministry of Environment, Forests and Climate Change,
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...Respondents

REPORT FILED ON BEHALF OF THE RESPONDENT NO. 3
TAMILNADU POLLUTION CONTROL BOARD

I, M.Vijayalakshmi, D/o. Thiru. K.R.Muthiah, aged about 59 years, having office at No.76, Mount Salai, Guindy, Chennai-32, do hereby solemnly affirm and sincerely states as follows:

1. I submit that I am working as the Additional Chief Environmental Engineer, Tamil Nadu pollution Control Board, Chennai and I am authorized to file this report on behalf of the fourth Respondent (TNPCB) and as such I am well acquainted with the facts of the case as per records available in our office.
2. It is respectfully submitted that the application has been filed with the following prayer:
 - a) To direct respondent No. 6 to respondent No.18 to not to sell the FLY ASH in violation of the Order dated 25.08.2022 issued in Original Application 327 of 2022.
 - b) Direct Ministry of Power, Government of India to issue Office Order to direct all the Coal and Lignite based Thermal Power Plants to not to implement its Advisory dated: 22.02.2022.



M. Vijayalakshmi 17/12/2024
ADDITIONAL CHIEF ENVIRONMENTAL ENGINEER
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3. It is respectfully submitted that on 6.12.2022, the OA was taken by the Hon'ble National Green Tribunal, Principal Bench, New Delhi and passed an order as this OA was filed, complaining of not making available fly ash free of cost to the actual users, this OA No.878 of 2022 was directed to merge along with the similar matter which is already pending in OA No.327 of 2022 filed by Amaravati Fly Ash Bricks Manufacturers Association vs Union of India & Ors before this Hon'ble Tribunal.
4. It is respectfully submitted that, the Hon'ble NGT vide order dated 25.08.2022 passed in O.A.No. 327 of 2022 in Amaravati Fly Ash Bricks Manufactures Association Vs. Union of India & Others has observed that the Advisory issued by Ministry of Power (MoP) on 22.02.2022 shall not be enforced and shall remain in abeyance till further orders by this Tribunal to the contrary and the interim application is disposed of accordingly.
5. It is respectfully submitted that the Hon'ble NGT (PB) has passed an order dated 07.12.2022 and directed inter alia as follows:

“The applicant-Tamil Nadu Fly Ash Brick and Blocks Manufacturers Association has filed this application under Section 18(1) read with Section 14 of the National Green Tribunal Act, 2010 for directing the Ministry of Power, Government of India to issue Office Order to direct all the Coal and Lignite based Thermal Power Plants not to implement its Advisory dated 22.02.2022 and also direct respondents no. 6 to 18 not to sell Fly Ash in violation of the order dated 25.08.2022 passed by this Tribunal in Original Application No. 327 of 2022 titled as Amaravati Fly Ash Bricks Manufacturers Association Vs. Union of India and Others” and was adjourned to 15.12.2022”.

Thereafter, subsequently the OA was adjourned to file the reply/response by the respondents.

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6. It is respectfully submitted that the Hon'ble NGT (PB) has passed an order dated 21.03.2023 and directed inter alia as follows:

"1. The applicant-Tamil Nadu Fly Ash Brick and Blocks Manufacturers Association has filed this application under Section 18(1) read with Section 14 of the National Green Tribunal Act, 2010 for directing the Ministry of Power, Government of India to issue Office Order to direct all the Coal and Lignite based Thermal Power Plants not to implement its Advisory dated 22.02.2022 and also direct respondents no. 6 to 18 not to sell Fly Ash in violation of the order dated 25.08.2022 passed by this Tribunal Original Application No. 327 of 2022 titled as Amaravati Fly Ash Bricks Manufacturers Association Vs. Union of India and Others. Civil Appeal Diary No (s). 5195/2023 titled as Union of India Vs. Amaravaati Fly Ash Bricks Manufacturers Association & Ors. has been filed against order dated 25.08.2022 passed by this Tribunal and vide order dated 24.02.2023 Hon'ble Supreme Court has stayed operation and effect of the impugned Judgments (which include order dated 25.08.2022.

2. The relief sought by the applicants in the present case is based on order dated 25.08.2022 operation of which has been stayed by the Hon'ble Supreme Court. Consequently, further proceedings in the case cannot be continued for any meaningful purpose and it will be appropriate to adjourn the case sine die.

3. Accordingly, the case is adjourned sine die with direction to the Registry/liberty to the parties to move for restoration thereof after decision of the above said civil appeal by Hon'ble Supreme Court".

7. It is respectfully submitted that the Civil Appeal No.1508 of 2024 (CA Diary No.5195 of 2023) was filed by Union Of India against Amaravati Fly Ash Bricks Manufactures Association and others before the

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Hon'ble Supreme Court of India and on 2.9.2024, the above mentioned Civil Appeal was dismissed with the following directions:

"1. The impugned judgment and order being interim in nature, we are not inclined to interfere with the same. However, let the National Green Tribunal (NGT) decide the original application as expeditiously as possible, preferably within 06 months from the date of receipt of a copy of this order.

2. Mr. Dama Seshadri Naidu, the learned senior counsel appearing for the respondent(s) has no objection if the interim order dated 24.02.2023, passed by this Court, is continued till the pendency of the Original Application before the NGT. Ordered accordingly.

3. Ms. Aishwarya Bhati, learned ASG also submits that in the meanwhile, subsequent developments have also taken place. Let the same be also considered by the NGT.

4. Subject to the above, the Civil Appeal stands dismissed.

5. Pending application(s), if any, shall stand closed including the application (IA No. 220988/2023) seeking vacation of stay".

8. It is respectfully submitted that on 25.10.2024, the Hon'ble National Green Tribunal, Principal Bench, New Delhi has taken up this OA and directed to merge along with O.A No.661 of 2024 as the OA also involves similar issues.

9. It is respectfully submitted that as per the directions of the Hon'ble Tribunal the fourth respondent submits the report herein.

10. It is respectfully submitted that as per Ministry of Environment Forest & Climate Change , Government of India Notification S.O. 5481 (E) Dated 31st December, 2021, the ash generated from coal or lignite based thermal power plants shall be utilized only for the following eco-friendly purposes, namely,

- i. Fly ash based products viz. bricks, blocks, tiles, fibre cement sheets, pipes, boards, panels;

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- ii. Cement manufacturing, ready mix concrete;
- iii. Construction of road and fly over embankment, ash and Geopolymer based construction material;
- iv. Construction of dam;
- v. Filling up of low lying area;
- vi. Filling of mine voids;
- vii. Manufacturing of sintered or cold bonded ash aggregate;
- viii. Agriculture in a controlled manner based on soil testing;
- ix. Construction of shoreline protection structures in coastal districts;
- x. Export of ash to other countries;
- xi. Any other eco-friendly purpose as notified from time to time.

11. It is respectfully submitted that the Ministry of Power, Government of India has issued Advisory order dated 22.09.2021 directing all the Thermal Power Plants to provide flyash to end users through transparent bidding process only.

12. It is submitted that, the Thermal Power Plants (13 Nos) located in Tamilnadu have been arrayed as Respondents (6 to 18) in this application.

13. It is respectfully submitted that, the details of 13 Thermal Power Plants, Respondents (6 to 18) with respect to handling and disposal of flyash as well as all associated issues such as action taken by the unit for 100% utilization of flyash, action plan of the unit for 100% utilization of fly ash, details of directions and environmental compensation levied for the environmental damages caused by the unit is enclosed vide Annexure – I.

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Under the above circumstances, it is humbly prayed that this Hon'ble National Green Tribunal (Principal Bench) may be pleased to pass such further or other orders as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of this case and thus render justice.

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VERIFICATION

I, M.Vijayalakshmi, D/o. K.R.Muthiah, working as the Additional Chief Environmental Engineer office at No., 76, Mount Salai, Guindy, Chennai – 32, do hereby verify that the contents of above report are true to the best of my knowledge through records.

M. Vijayalakshmi 17/12/2024
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ANNEXURE- ISTATUS OF FLY ASH UTILIZATION OF THERMAL POWER PLANTS

Sl. No.	Name of the Thermal Plant	Consent status	Action taken for 100% Utilization of fly ash (During Jan 2023 – Oct 2024)				Proposed action plan for 100% utilization of fly ash	Direction if any issued for the damages caused due to fly ash & bottom ash	Details of Environmental Compensation levied for environmental damages due to fly ash & bottom ash
			Total Ash generated	% of Ash utilized	% of Ash supplied to cement plants	% of unutilized ash			
1.	Tuticorin Thermal Power Station	Consent to Operate 1)Air – Consent Order No. 2308248485528 dated 13.04.2023 valid up to 31.12.2023 2)Water – Consent Order No. 2308148485528 dated 13.04.2023 valid up to 31.12.2023	21,86,485 MT	76%	70% ash supplied to Cement plants and 6%- Ash supplied to SSI units brick manufacturing units and fly ash agencies	24%	On compliance with the MoEF & CC Notification, dated 31.12.2021, every action has been taken for attaining maximum utilization of dry fly ash towards 100% by maintaining the PDFAC system in good condition and all the Cement Companies are continuously followed up and insisted to increase the lorry services to the maximum extent possible to lift the fly ash. More over Surplus quantity of fly ash is being issued to Brick Manufacturing Companies.	Nil	Nil

		The application forms filed for subsequent renewal of Consent is under progress with TNPCB.							
2.	NLC Tamilnadu Power Limited (NTPL), Tuticorin	Consent to Operate 1) Air – Consent Order No. 2208243320988 dated 12.04.2022 valid up to 31.03.2027 2) Water – Consent Order No. 2208143320988 dated 12.04.2022 valid up to 31.03.2027	30,03,990.23 MT	100%	41.57% ash supplied to Cement plants and 58.43% Ash supplied to SSI units brick manufacturing units and fly ash agencies	0%	Two-year tender to fly ash user agencies, Monthly fly ash auctions for all fly ash agencies and limited auction for MSEs.	Nil	Nil
3.	Moxie Power Generation (MPGL) (Formerly known as Coastal Energen Private Limited)	Consent to Operate 1) Air – Consent Order No. 2208243018851 dated 29.07.2022 valid up to 31.03.2027 2) Water – Consent Order No.	2,78,575 MT	100%	0% ash supplied to Cement plants and 100% Ash supplied to SSI units brick manufacturing units and fly ash agencies	0%	Tendering Process to be followed to dispose Fly Ash, as per the guidelines of MoEF & CC and MoP.	Nil	Nil

		2208143018851 dated 29.07.2022 valid up to 31.03.2027							
4.	SEPC Power Private Limited	Consent to Operate 1) Air – Consent Order No. 2405257012235 dated 03.08.2024 valid up to 31.03.2025 3) Water – Consent Order No. 2405157012235 dated 03.08.2024 valid up to 31.03.2025	2,87,270.37 MT	99.77%	87% ash supplied to Cement plants and 12.77%- Ash supplied to SSI units brick manufacturing units and fly ash agencies	0.23%	Nil	Nil	Nil
5.	Mettur Thermal Power Station - I	Validity till 31.03.2025	3113319.99 4 MT	100%	32.57 %- Utilized for Cement Industry, 18.90%- Utilized for Fly ash brick/block, 1.26 %-Utilized for RMC, 41.66%- Bottom ash utilization and 5.61%- Utilization of current bottom ash (unutilized) sent	NIL	1. The Dry fly ash is collected from the Silos and taken to Cement Industries & SSI Units. 2. The Wet ash is given at free of cost	NIL	NIL

					to ash pond during previous months.				
6.	Mettur Thermal Power Station - Stage II (1x 600MW)	Valid upto 31.03.2022. The Unit has applied for RCO and the application is under process.	1491901.73 MT	77.70%	68.90% ash supplied to Cement plants and 8.80%- Ash supplied to SSI units	22.33%	Initial phase of additional PDFACS system for two hoppers (A11 & C11) has been commissioned successfully and is in service at present. The provision of additional PDFACS for remaining frontline hoppers (6 Nos.) will be carried out in II phase implementation and the same will be completed on or before July 2025.	NIL	NIL
7.	M/s. North Chennai Thermal Power Station, Stage - I	Renewal Consent issued vide Board's Proc No.T2/TNPCB/F.035 3GMP/RL/GMP/A&W/ 2024 dated 04.07.2024 with validity upto 31.03.2025	1376238.72 T	49.06 %	47.33 % ash supplied to Cement plants	50.94 %	The unit has informed that, the following action has already taken for 100% collection of fly ash :dry 1) In Unit-I, Pressurized Dense Fly Ash Collection (PDFAC) System installed in first 2 rows of ESP during Dec-23.Now PDFAC is available in first 2 rows. 2) In Unit-II, PDFAC System installed additionally in 3 rd row of ESP during Oct- 23.Now PDFAC is available in first 3 rows. 3) In Unit-III, PDFAC System installed additionally in 3 rd row of ESP during Dec- 22. Now	Nil	Nil

							<p>PDFAC in available is first 3 rows.</p> <p>4) New HT Compressors : 03 Nos and New LT Compressors : 03 Nos were procured and installed additionally during Dec-23 for improving the fly ash collection & Utilization.</p> <p>5) Now action is being taken for installing the PDFAC system in "Non Installed ESP field rows" in Unit- I,II & III and retrofitting of existing PDFAC System.</p> <p>The entire quantity of dry fly ash collected from SILO will be sold to cement companies and SSI units.</p>		
8.	M/s. North Chennai Thermal Power Station, Stage - II	Renewal Consent issued vide Board's Proc No.T2/TNPCB/F.038 2GMP/RL/GMP/A&W/2024 dated 18/05/2024 with validity upto 31.03.2025	3142187 MT	100%	92.86% ash supplied to Cement plants, 1%- Ash supplied to SSI units, 0.9 %- Spillage(Waste fly ash) And 6.2 % sent to dyke during system break down	0.00%	Achieved 100% Utilization for Fly ash	Nil	Nil

9.	M/s. NLC TPS I Expansion, Neyveli - 2x210MW [Neyveli Lignite Corporation I Expn]	RCO issued on 01/05/2024 Valid upto 31.03.2027	369920 MT	100%	64% ash supplied to Cement plants and 36 %- Ash supplied to brick manufacturing units and road lying.	0%	100 % is being utilized	Nil	Nil
10.	M/s. NLC TPS II, Neyveli - 7 x 210MW [Neyveli Lignite Corporation II Stage I]	RCO issued on 25.4.2022 Valid upto 31.03.2027	1486571 MT	100 %	28.69% ash supplied to Cement plants and 71.31 %- Ash supplied to brick manufacturing units and road lying.	0%	100% fly ash is being utilised.	-	-
11.	M/s. NLC TPS II Expansion, Neyveli -2 x 250 MW [Neyveli Lignite Corporation II Stage II]	RCO issued on 19.4.2022 Valid upto 31.03.2027	117534.71 MT	100%	6.7984% ash supplied to Cement plants and 93.2016 %- Ash supplied to brick manufacturing units and road lying.	NIL	TPS II Expansion is currently achieving 100% Ash Utilization	NIL	NIL
12.	M/s. Neyveli New TPS, Neyveli - 2x 500 MW [Neyveli Lignite Corporation NMTP]	RCO issued on- 01.5.2024 Valid upto- 31.03.2026	8.7363138 LMT	100%	70.017% ash supplied to Cement plants and 29.983 %- Ash supplied to brick manufacturing units and road lying	0%	100 % Ash utilization is being achieved.	No	NA

13.	M/s. NTPC TamilNadu Energy Company Limited, Vallur TPP	Renewal Consent issued vide Board's Proc No.T4/TNPCB/F.031 8GMP/RL/GMP/A/2 022 dated 28/06/2022 with validity upto 31.03.2027	40.25 LMT	100 %	46% of DFA supplied to Cement plants and 44% of DFA supplied is issued to Brick Manufacturers and 10% of DFA supplied is issued to RMC)	0.00%	Tie-up made for dry fly ash and pond ash	NIL	NIL
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