

NEXT DATE: 03.12.2021

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH, NEW DELHI

ORIGINAL APPLICATION NO.164/2018

IN THE MATTER OF:

ASHWANI KUMAR DUBEY

...APPLICANT

VERSUS

UNION OF INDIA & ORS

...RESPONDENTS

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Date: 30/11/2021

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I.C.NO.3911 AMIT CLERK
MO.NO. 8447997954**

FILED BY:



[SHAILESH MADIYAL]

Advocate for Respondent No.12
208, C.K. Daphtary Chamber
Supreme Court of India
New Delhi-110001

RESPONSE OF NTPC LIMITED SHAKTINAGAR SONBHADRA/NTPC SHAKTINAGAR TO THE QUARTERLY STATUS REPORT (COMPLIANCE STATUS) FILED BY THE JOINT COMMITTEE DATED 10.09.2021

1.1.1 COMPLIANCE STATUS OF ACTION POINTS IDENTIFIED IN HON'BLE NGT ORDERS AND ADDITIONAL ISSUES IDENTIFIED BY EARLIER OVERSIGHT COMMITTEE.

S. NO.	ISSUES IDENTIFIED IN HON'BLE NGT ORDER	COMPLIANCE STATUS/REMARK (AS ON 31.07.2021)	RESPONSE OF SINGRAULI THERMAL STATION/ SHAKTINAGAR SUPER POWER NTPC
a)	To ensure continuous operation of ESPs installed in TPPs. Installation of OCEMS to monitor stack emissions and connect it with CPCB/SPCB server for online data transmission.	<ul style="list-style-type: none"> It is informed that the effective operation of the ESPs is being ensured. The unit has installed OCEMS to monitor the stack emission and connected it with CPCB & UPPCB server. However, The OCEMS are installed on the duct connecting to the stack and the required iso-kinetic sampling for monitoring particulate matter is not been ensured. The unit submits that it is an old unit and has design constraints for installation of OCEMS on the stack and hence they have been installed on the connecting duct. The committee asked the unit to submit the technical details along with the variation velocity found in the analyzer at the present point and isokinetic velocity at an ideal location. So that the technical feasibility can be assessed. 	The units were installed between the years 1982 to 1987. Sampling location has been identified by considering isokinetic condition at the best possible location. Velocity at present time has been measured and is available for feasibility assessment.
b)	Installation of 03 CAAQMS for ambient air monitoring by each TPP and linking it	The unit has already installed 02 CAAQMS for ambient air monitoring. Whereas, the site is identified for the 3rd CAAQMS	Unit is having two Continuous Ambient Air Quality Monitoring Stations (CAAQMS) in UP side and is linked to CPCB/UPPCB. 3 rd CAAQMS in UP side, is

S. Manne

SUDEEP MANNA सुदीप मन्ना
 AGMT (EMG) अरम गण्ड प्रबन्धक (अ.ग.प्र.ब.)
 NTPC Singrauli एन.टी.सी. सिंगरावली
 Shaktinagar 231222 शक्तिनगर 231222

	with CPCB Server	<p>station and it was informed that installation will be completed within 06 months.</p> <ul style="list-style-type: none"> The committee asked to ensure the installation of the 3rd CAAQMS before the upcoming winter season. Similarly, the committee asked the unit to ensure the linking of CAAQMS with CPCB/SPCB server at the earliest. 	<p>identified at Jwala Mukhi Enclave (JME) site. The station room is ready and some part of the materials/equipments has been received at the site. The balance will be received shortly. The monitoring station will be installed and commissioned tentatively by mid of January, 2022.</p>
c)	To ensure 100% fly ash utilization in accordance with MOEF&CC Notification dated 31.12.2018 and Hon'ble NGT order dated 12.02.2020 in the matter of OA No. 117/2014	<ul style="list-style-type: none"> As per the details provided, the unit has utilized 36.16 % of total fly ash generated (i.e. 8,91,349 MT) during 2021-22. The Ash was mainly consumed in NHAI road projects, ash brick manufacturing, land development, and ash dyke raising. Total of 322271 MT Fly ash is utilized during 2020-21, out of which 2796 MT was the fresh fly ash whereas 319475 MT was legacy ash recovered from the old ash dykes. The reported fly ash utilization is much below the desired utilization percentage. At the same time, they are mainly utilizing the legacy fly ash which was already stored in the old ash dykes and fresh fly ash generated is being stored in new ash dykes. The committee asked to submit the time bound action plan for utilization of 100% fly ash generated at the earliest. 	<p>It is submitted that the efforts taken/proposed to be taken to improve ash utilization percentage and to achieve ash utilization in accordance with the notification issued by MoEF & CC under the provisions of EP Act requiring 100% utilization of fly ash is summarized as per (Annexure - 1 to this response).</p>
d)	To ensure continuous operation of AWRS	<ul style="list-style-type: none"> As per the details provided by the unit, they are continuously operating the AWRS system. 	<p>Continuous operation of Ash Water Recirculation System (AWRS) at the plant is being ensured all the time.</p>

S. Mann

SUDEEP MANNA सुदीप मन्ना
 AGMT - EMG और नवी प्रबंधक
 NTPC Singrauli तंत्र. प्र. वि. सं.
 Shaktinagar 231222 तारिख: 07/07/22

		<ul style="list-style-type: none"> • During May 2021 - July 2021 a total of 6499129 m³ of ash slurry has been sent to the ash dyke and 5264295 m³ of ash water has been recycled through AWRS. 	
e)	Necessary renovation of the ash dyke needs to be carried out in order to prevent breaching of ash pond and spreading of slurry in to surrounding environment and Rihand Reservoir	<ul style="list-style-type: none"> • The water from the overflow pond of the ash dyke was flowing into the Rihand reservoir during the visit. It was told that due to heavy rains during that period surface runoff water from the surrounding area was also reaching the overflow pond of the ash dyke, due to which the said overflow was seen in Rihand reservoir. As per the photographic evidence submitted by the unit, the said overflow in Rihand reservoir had stopped on the next day of the visit. • The ash pond overflow water should be recycled and reused in the process. And hence the unit should make such provision that the surface runoff water from the surrounding area does not reach the ash pond overflow pond. 	<ul style="list-style-type: none"> • It is submitted that regular monitoring and maintenance works are being undertaken for continuous recycling and to keep the ash dykes in healthy condition in order to avoid any emergency situation. • Arrangement is being made for pumping low lying area surface water to reservoir side, so that surface runoff water from the surrounding area does not reach the ash dyke over flow pond.
f)	Control of pollution during coal storage, transportation and handling	<ul style="list-style-type: none"> • As per information, the unit receives coal through the MGR rail system. The unit has provided a cover shed and a sprinkling system to trap the dust released during the unloading. • Water sprinklers have also been installed in coal storage areas and dust suppression systems have been provided at transfer points. 	NTPC Shaktinagar receives coal through its own Merry go-round (MGR) rail system and fugitive emission in the coal handling area remains well within the range of prescribed norms.

S. Mann

SUDEEP MANNA सुदीप मन्ना
 AGM (EMG) अरु एम. एम. एम. एम.
 NTPC Singrauli एन.टी.पी.सी. सिंगरौली
 Shaktinagar-231222 शक्तिनगर-231222

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1.1.2 STATUS OF OTHER IDENTIFIED ISSUES

S. NO.	ISSUES IDENTIFIED	COMPLIANCE STATUS/REMARK (AS ON 31.01.2021)	RESPONSE OF SINGRAULI SUPER THERMAL POWER STATION/ NTPC SHAKTINAGAR
a)	Achieving ZLD in ETP & STP.	<ul style="list-style-type: none"> The unit is fully utilizing the ETP treated effluent. Oxidation pond has been provided for the treatment of sewage generated from the residential colony. The quantity of effluent observed at the outlet of the STP during the visit was much less than the estimated sewage generation. It was told that some convection pipe is damaged, due to which all the sewage generated is not reaching the STP. The committee asked to ensure the treatment of all sewage generated from their residential colony. 	It is submitted that Singrauli Super Thermal Power Station has installed Effluent Treatment Plants (ETP), Sewage Treatment Plants (STP) and Ash Water Recirculation System (AWRS) for 100% treatment, recycling and re-use of effluent. The damaged convection pipe of Sewage Treatment Plant has been repaired. Sewage effluent is being fully treated and treated sewage is being used for the horticulture.
a)	Installation of FGD for control of gaseous emission	<ul style="list-style-type: none"> The unit is in the process of setting up FGDs to achieve the notified standards for gaseous emissions. The piling work for the construction of three multi-flue chimneys has been completed and the work of casting the chimney above ground level, absorber foundation, and other related works is in progress. 	It is submitted that the work of installation of FGD in all 7 units of the plant is in progress. Construction of three nos. chimneys along with FGD absorber is in progress. FGD installation will be completed before the CPCB revised time line of 31.12.2024 in terms of MoEF & CC Gazette Notification GSR 243 (E) dated. 31.03.2021 (Annexure - 2 to this response).

S. Manu

SUDEEP MANNA सुदीप मन्ना
 AGM/T (EMG) अणु शक्ति प्रकल्प
 NTPC Singrauli पर्यटन वी.पी.ओ. शक्तिनगर
 Shaktinagar 231222 शाक्तिनगर 231222

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1.1.3: RECOMMENDATIONS OF THE COMMITTEE

COMMITTEE RECOMMENDATION	COMPLIANCE STATUS
<ul style="list-style-type: none"> The unit may be asked to complete the installation of 3rd CAAQMS before the ensuing winter season 	3 rd CAAQMS in UP side, is identified at Jwala Mukhi Enclave (JME) site. The station room is ready and some part of the materials/equipments has been received at the site. The balance will be received shortly. The monitoring station will be installed and commissioned tentatively by mid of January, 2022.
<ul style="list-style-type: none"> The unit may be asked to ensure that the CAAQMS is connected to the CPCB/SPCB server at the earliest. 	The existing CAAQMS are already connected to the CPCB/UPPCB server. 3 rd CAAQMS will be connected soon after installation, which is likely to be completed tentatively by mid of January, 2022.
<ul style="list-style-type: none"> The unit may be asked to submit the time bound action plan for 100% fly ash utilization at the earliest. 	The efforts taken/proposed to be taken to improve ash utilization percentage and to achieve ash utilization in accordance with the statutory notification issued by MoEF & CC under the provisions of EP Act requiring 100% utilization of fly ash is summarized as per (Annexure -1 to this response).
<ul style="list-style-type: none"> The unit may be asked to make such a provision that the surface runoff water from the surrounding area does not reach the ash dyke over flow pond. 	Arrangement is being made for pumping the low lying area surface water to the reservoir side, so that surface runoff water from the surrounding area does not reach the ash dyke over flow pond.
<ul style="list-style-type: none"> The unit may be asked to treat all sewage generated from their residential colony. 	Residential colony sewage is being fully treated and treated sewage is being used for the horticulture.
<ul style="list-style-type: none"> The process of installation and commissioning of the FGD system needs to be expedited realization of the revised time line. 	It is submitted that the work of installation of FGD in all 7 units of the plant is in progress. Construction of three nos. chimneys along with FGD absorber is in

S. Manish

SUDEEP MANNA **हस्ताक्षर**
 AGMT - (EMG) **आर.सी. प्रकाश**
 NTPC Singrauli **उप. नि. सं.**
 Shaktinagar 231222 **शक्तिनगर 231222**

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	progress. FGD installation will be completed before the CPCB revised time line of 31.12.2024 in terms of MoEF&CC Gazette Notification GSR 243 (E) dated. 31.03.2021 (Annexure - 2 to this response).
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S. Manne

SUDEEP MANNA *सुदीप मन्ना*
EMO/ *एमओ*
AGMT/ *एजीएमटी*
NTFC Singrauli *एनटीएफसी सिंगरावली*
Shaktinagar 231222 *शक्तिनगर 231222*

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ANNEXURE-1

TIME BOUND ACTION PLAN FOR ASH UTILIZATION IN THE FINANCIAL YEAR 2021-22			
PROJECTED ASH GENERATION: 28 LMT			
SN	UTILISATION HEAD	QUANTITY (LMT)	REMARKS
1	Road Project	10.00	i) NHAH Road Project: NH-7 (Rewa-Varanasi) and Varanasi bypass. 2.75 LMT pond ash has been supplied till 20.09.2021 to NH-7. Further, 2 LMT more ash has to be supplied till February 2022. ii) Supply of 2.0 LCM pond ash to NHAH for "Varanasi bypass road project" has started. iii) NHAH has further requested for 5.20 LCM pond ash for "Varanasi bypass road project". NHAH has been requested to give chainage wise pond ash requirement. Additionally, contract proposal for transportation of pond ash has been initiated.
2	Land Development		
a	Land Development (NTPC own land)	1.00	Low Lying Area of NTPC land: Contract proposal has been initiated for the Land Development on its own land and the same is under consideration.
b	Land Development (Out side plant)	4.00	i) Contract proposal for supply of 2.0 LMT pond ash for land development has been initiated and the same is under consideration. NTPC Shaktinagar has requested the District Administration for allotment of low lying areas. ii) 1.0 LMT pond ash shall be utilized in Circuit House, Robertsganj. iii) Land for utilizing another 1.0 LMT pond ash is being explored.
3	Stone quarries	5.00	Forest officials have been contacted for 60 Ha abandoned stone quarry at Billi Markundi to develop the same with ash as per CPCB guide lines.
4	Brick Manufacturing plant (NTPC own plant)	0.15	In the brick manufacturing inside plant premises, 0.15 LMT fly ash to be utilised.

S. Manne

SUDEEP MANNA सुदीप मन्ना
AGMT - EMO/असु. प्रो. प्रशासक
NTPC Singrauli पर. 21, रो. अ. इंदौर
Shaktinagar 231222 निर्देशिका: 23/12/22

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5	Brick Manufacturing plant (outside):		
a	Within the radius of 0-100 km	1.00	Contract has been awarded to the transporter for supply of 1.0 LMT fly ash transportation to Obra, a nearby area, as per the requirements of the brick manufacturers.
b	Within the radius of 100-300 km	1.00	Contract has been awarded to the transporter for supply of 1.0 LMT fly ash to a proposed location Deen Dayal Upadhyay Nagar, as per the requirements of the brick manufacturers. Expected commencement date of the work is 01.12.2021.
6	Cement/Asbestos Industries	0.85	i) One asbestos industry has been identified (UAL, UTTAR PRADESH). There is a need of approximately 100 MT fly ash on daily basis. Transportation is likely to start from 30.11.2021. ii) Cement plants are being explored by CC-AMG. iii) Facility is being explored for fly ash offtake through railway.
7	Dyke raising	5.00	Raising of ash dykes -: 1.38 LMT pond ash has been utilized. Balance quantity of ash will be utilized for subsequent ash dyke raising.
	TOTAL	28.00	
	%Ash Utilisation	100.00	

S. Manne

SUDEEP MANNA
AGMT - (EMG) 379 700 7000
NTPC Singrauli 201 224 2000
Shaktinagar 221 224 2000

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ANNEXURE-2

रजिस्ट्री सं. बी.एल.- 33004/99

REGD. No. D. L.-33004/99


भारत का राजपत्र
The Gazette of India

सी.जी.-डी.एल.-अ.-01042021-226335
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असाधारण
EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (i)
PART II—Section 3—Sub-section (i).

प्राधिकार से प्रकाशित
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नई दिल्ली, बृहस्पतिवार, अप्रैल 1, 2021/चैत्र 11, 1943
NEW DELHI, THURSDAY, APRIL 1, 2021/CHAITRA 11, 1943

पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय
अधिसूचना

नई दिल्ली, 31 मार्च, 2021

सा.का.नि. 243(अ).—केन्द्रीय सरकार, पर्यावरण (संरक्षण) अधिनियम, 1986 (1986 का 29) की धारा 3, धारा 6 और धारा 25 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, पर्यावरण (संरक्षण) नियम, 1986 का और संशोधन करने के लिए निम्नलिखित नियम बनाती है, अर्थात् :-

1. (1) इन नियमों का संक्षिप्त नाम पर्यावरण (संरक्षण) संशोधन नियम, 2021 है।
- (2) ये नियम राजपत्र में प्रकाशन की तारीख को प्रवृत्त होंगे।

2. पर्यावरण (संरक्षण) नियम, 1986 की अनुसूची-1, के क्रम संख्यांक 25 में, “*टीपीपी (इकाईयां) इस अधिसूचना के प्रकाशन की तारीख से दो वर्ष के भीतर सीमाओं को पूरा करेंगी”, अक्षरों, कोष्ठकों और शब्दों के स्थान पर, निम्नलिखित रखा जाएगा, अर्थात् :-

“(1) पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय, विद्युत मंत्रालय, केन्द्रीय विद्युत प्राधिकरण (सीईए) और केन्द्रीय प्रदूषण नियंत्रण बोर्ड के प्रतिनिधियों से मिलकर बने कार्य बल का गठन केन्द्रीय प्रदूषण नियंत्रण बोर्ड (सीपीसीबी) द्वारा सारणी-1 में यथाविनिर्दिष्ट तीन प्रवर्गों में सारणी-1 के स्तंभ (4) में यथाविनिर्दिष्ट समय सीमा के भीतर उत्सर्जन मानदंडों के अनुरूप होने के लिए उनकी अवस्थिति के आधार पर तापीय विद्युत संयंत्रों के प्रवर्गीकरण हेतु किया जाएगा, अर्थात् :-

2003 GI/2021

(1)

S. Manne

SUDEEP MANNA सुदीप मन्ना
AGMP (EMO) अर. मन्ना प्रबन्धक (/ शुल्को)
NTPC Singrauli पर. डी. पी. ओ. सिंगरेली
*Akringpur-231222 शक्तिमन्त्र 231222

सारणी-1

क्र.सं.	प्रवर्ग	अवस्थिति/स्थान	अनुपालन के लिए समय सीमाएं	
			निवृत्त नहीं होने वाली इकाईयां	निवृत्त होने वाली इकाईयां
(1)	(2)	(3)	(4)	(5)
1	प्रवर्ग क	10 लाख से अधिक जनसंख्या वाले राष्ट्रीय राजधानी क्षेत्र या शहरों की 10 किलोमीटर की परिधि के भीतर 1	31 दिसम्बर, 2022 तक	31 दिसम्बर, 2022 तक
2	प्रवर्ग ख	गंभीर रूप से प्रदूषित क्षेत्रों या गैर प्राप्ति शहरों की 10 किलोमीटर की परिधि के भीतर 2	31 दिसम्बर, 2023 तक	31 दिसम्बर, 2025 तक
3	प्रवर्ग ग	प्रवर्ग क और ख में सम्मिलित से भिन्न	31 दिसम्बर, 2024 तक	31 दिसम्बर, 2025 तक

1 भारत की 2011 की जनगणना के अनुसार।

2 सीपीसीबी द्वारा यथापरिभाषित।

(ii) सारणी-1 के स्तंभ (5) में यथाविनिर्दिष्ट तारीख के पूर्व निवृत्त होने के लिए घोषित तापीय विद्युत संयंत्र से, उस स्थिति में जहां ऐसे संयंत्र उनके निवृत्त होने के आधार पर छूट के लिए सीपीसीबी और सीईए को एक प्रतिज्ञान प्रस्तुत करते हैं, विनिर्दिष्ट मानदंडों को पूर्ण करने की अपेक्षा नहीं की जाएगी:

परन्तु ऐसे संयंत्रों से, उस स्थिति में जहां उनका प्रचालन प्रतिज्ञान में यथाविनिर्दिष्ट तारीख से आगे जारी रहता है, जनित विद्युत के प्रति यूनिट पर 0.20 रुपए की दर से पर्यावरण प्रतिकर उद्धृत किया जाएगा;

(iii) निवृत्त नहीं होने वाले तापीय विद्युत संयंत्र से, सारणी-1 के स्तंभ (4) में यथाविनिर्दिष्ट तारीख के पश्चात्, सारणी-2 में विनिर्दिष्ट दरों के अनुसार पर्यावरण प्रतिकर उद्धृत किया जाएगा, अर्थात् :-

सारणी-2

समय-सीमा से आगे गैर अनुपालन प्रचालन	पर्यावरणीय प्रतिकर (रुपए प्रति यूनिट जनित विद्युत)		
	प्रवर्ग क	प्रवर्ग ख	प्रवर्ग ग
0-180 दिवस	0.10	0.07	0.05
181-365 दिवस	0.15	0.10	0.075
366 दिवस और अधिक	0.20	0.15	0.10*

[फा.सं. क्यू-15017/40/2007-सीपीडब्ल्यू]

नरेश पाल गंगवार, संयुक्त सचिव

टिप्पण: मूल नियम, भारत के राजपत्र, असाधारण, भाग II, खंड 3, उपखंड (i) में अधिसूचना संख्या का.आ. 844(अ), तारीख 19 नवम्बर, 1986 द्वारा प्रकाशित किए गए थे और उनका अंतिम संशोधन अधिसूचना संख्या सा.का.नि. 662(अ), तारीख 19 अक्टूबर, 2020 द्वारा किया गया।

MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE

NOTIFICATION

New Delhi, the 31st March, 2021

G.S.R. 243(E).—In exercise of the powers conferred by sections 3, 6 and 25 of the Environment (Protection) Act, 1986 (29 of 1986), the Central Government hereby makes the following rules further to amend the Environment (Protection) Rules, 1986, namely:—

S. Nand
SUDEEP MANNA सुदीप मन्ना
AGM (EMS) अपर नवा शक्ति
NTPC Singrauli पर डी.डी. निकाश
Shaktinagar 231222 शक्तिनगर 231222

1. (1) These rules may be called the Environment (Protection) Amendment Rules, 2021.
(2) They shall come into force on the date of their publication in the Official Gazette.
2. In the Environment (Protection) Rules, 1986, in Schedule - 1, in serial number 25 for letters, brackets and words "*TPPs (units) shall meet the limits within two years from date of publication of this notification", the following shall be substituted, namely: -

*** (i) A task force shall be constituted by Central Pollution Control Board (CPCB) comprising of representative from Ministry of Environment and Forest and Climate Change, Ministry of Power, Central Electricity Authority (CEA) and CPCB to categorise thermal power plants in three categories as specified in the Table-I on the basis of their location to comply with the emission norms within the time limit as specified in column (4) of the Table-I, namely: -

Sl. No.	Category	Location/area	Timelines for compliance	
			Non retiring units	Retiring units
(1)	(2)	(3)	(4)	(5)
1	Category A	Within 10 km radius of National Capital Region or cities having million plus population ¹ .	Upto 31 st December 2022	Upto 31 st December 2022
2	Category B	Within 10 km radius of Critically Polluted Areas ² or Non-attainment cities ²	Upto 31 st December 2023	Upto 31 st December 2025
3	Category C	Other than those included in category A and B	Upto 31 st December 2024	Upto 31 st December 2025

¹ As per 2011 census of India.

² As defined by CPCB.

- (ii) the thermal power plant declared to retire before the date as specified in column (5) of Table-I shall not be required to meet the specified norms in case such plants submit an undertaking to CPCB and CEA for exemption on ground of retirement of such plant:

Provided that such plants shall be levied environment compensation at the rate of rupees 0.20 per unit electricity generated in case their operation is continued beyond the date as specified in the Undertaking;

- (iii) there shall be levied environment compensation on the non-retiring thermal power plant, after the date as specified in column (4) of Table-I, as per the rates specified in the Table-II, namely:-

Non-Compliant operation beyond the Timeline	Environmental Compensation (Rs. per unit electricity generated)		
	Category A	Category B	Category C
0-180 days	0.10	0.07	0.05
181-365 days	0.15	0.10	0.075
366 days and beyond	0.20	0.15	0.10."

[F. No. Q-15017/40/2007-CPW]
NARESH PAL GANGAWAR, Jt. Secy.

Note: The principle rules were published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i) vide number S.O. 844(E), dated the 19th November, 1986 and lastly amended vide notification G.S.R. 662(E), dated the 19th October, 2020.

S.R. 6502/14
Date 26/11/2014



**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO. 164/2018**

IN THE MATTER OF:

ASHWANI KUMAR DUBEY

...APPLICANT

VERSUS

UNION OF INDIA & ORS.

...RESPONDENTS

AFFIDAVIT

I, Sudeep Manna, S/o A. K. Manna aged about 53 years, working as AGM (EMG), presently at NTPC Singrauli Super Thermal Power Station, Shaktinagar, Distt. Sonbhadra (U.P.) do hereby solemnly affirm and state as under:

1. That I am the Authorised Signatory of the Respondent No. 12 herein in the abovementioned matter and as such I am well conversant with the facts and circumstances of the case and hence, I am authorised to swear to this affidavit.
2. That I have read and understood the contents of the accompanying response, which has been drafted under my instructions and the same are true and correct to my knowledge and belief.
3. That the Annexure R/12 enclosed with the accompanying response is/are true copy of its/their original.

DEPONENT *Manna*

DEPONENT
SUDEEP MANNA सुदीप मन्ना
AGM (EMG) अग्र महा प्रबन्धक (इंजिनियर)
NTPC Singrauli एन.टी.पी.सी. सिंगरौली
Shaktinagar 231222 शक्तिनगर 231222

VERIFICATION

Verified at Singrauli on this 26th day of November, 2014. That the contents of my above affidavit from paras 1 to 3 are true and correct to my knowledge and belief, no part of it is false and nothing material has been concealed there from.

Identified by
Shashi Bhusan
Advocate

Sudeep Manna, S/o A.K. Manna
AGM (EMG) अग्र महा प्रबन्धक (इंजिनियर)
NTPC Singrauli एन.टी.पी.सी. सिंगरौली
Shaktinagar 231222 शक्तिनगर 231222

SUDEEP MANNA सुदीप मन्ना
AGM (EMG) अग्र महा प्रबन्धक (इंजिनियर)
NTPC Singrauli एन.टी.पी.सी. सिंगरौली
Shaktinagar 231222 शक्तिनगर 231222
BABU RAM JAIN
Oath Commissioner
Distt. Court Washan