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BEFORE THE NATIONAL GREEN TRIBUNAL

NEW DELHI

ORIGINAL APPLICATION NO. 327/2022

IN THE MATTER OF:

Amravati Fly Ash Bricks Manufactures Association

...Applicant

Vs.

Union of India & Ors.

...Respondents

INDEX

S. No.	Particulars	Pages
1.	Reply on behalf of the Respondent No. 13 (NTPC, Nabinagar) with Affidavit.	1-6
2.	Annexure-1 True copy of the Authorization letter dated 17.03.2025	7
3.	Annexure-2 True copy of the Summary of data showing utilization of Ash.	8
4.	Proof of Service	9

Through



Adarsh Tripathi and Ajitesh Garg

Advocates for the Answering Respondent No.15

G-34, Basement, Lajpat Nagar-III

New Delhi

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Place: New Delhi

Dated: 18.03.2025

BEFORE THE NATIONAL GREEN TRIBUNAL
NEW DELHI

ORIGINAL APPLICATION NO. 327/2022

IN THE MATTER OF:

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REPLY ON BEHALF OF THE RESPONDENT NO. 13 (NTPC,
NABINAGAR)

MOST RESPECTFULLY SHOWETH:

1. The Respondent No.13 (NTPC, Nabinagar) is filing the present Reply to the captioned Original Application through **Shri Kaushal Kumar Thakur**, aged about 51 years, S/o Late Shri Amar Nath Thakur, working as **Additional General Manager (BMD/AUD Department)** with the Answering Respondent No.13, who is fully competent to sign, verify, institute, depose and file the present reply and to engage a counsel on behalf of the Respondent No.13 and to do all necessary acts for the purpose of present proceedings vide Authorization Letter dated 17.03.2025. The true copy of the Authorisation Letter dated 17.03.2025 is attached herewith and marked as **Annexure-1**.
2. That at the outset, the Respondent No.13 denies each and every averment, statement, allegation and contention made in the caption OA against the Answering Respondent which are inconsistent with the contents of the present Reply and save those which are specifically admitted hereinafter. Further nothing contained in the OA may be treated as admitted by the Answering Respondent merely for the want of specific traverse, unless specifically admitted in this reply.

3. That the Respondent No. 13, NTPC, Nabinagar, is a Super Thermal Power Station having a capacity of 1980 MW with 3 Super Critical units of 660 MW is situated in Aurangabad District, Bihar. The power generated in the station is evacuated 400 KV lines to Patna and Gaya and the major share of power is going to the State of Bihar (82.8%) and rest to Uttar Pradesh, Gujarat, West Bengal, Jharkhand & Orissa.
4. That the overarching responsibility for decision-making, operational management, and implementation of policies and practices in relation to all power plants of NTPC Limited lies with Corporate Office. The Corporate Office, as the apex body, oversees and manages the core functions, operational strategy, and compliance of NTPC Limited's power plants across the country, including that of the Respondent No. 13.
5. It is therefore submitted that the Respondent No. 13, in principle, adopts the stand of Respondent No. 9, NTPC Corporate Office, and all necessary submission made by it in the present matter. It is submitted that the Corporate Office is the appropriate entity to address substantive issues concerning the operations, regulatory compliance, and environmental matters of the power plants.
6. That notwithstanding the limited role of Respondent No. 13 in the present Original Application, it is submitted that Respondent No. 13 remains compliant with all applicable norms, regulations, and guidelines pertaining to environmental standards. The Respondent No. 13 is duty-bound to support and ensure adherence to such norms to the extent of its administrative responsibilities and functions.
7. It is submitted that the utilization of fly ash has been regulated from time to time by various orders/circulars/notifications issued by the Ministry of

Environment, Forest and Climate Change [hereinafter the 'MoEF&CC'], Government of India. By a notification issued on 14.09.1999, amended from time to time – i.e. on 27.08.2003, 03.11.2009, 25.01.2016, the framework for utilization of fly ash was set out.

8. The Notification dated 14.09.1999 was superseded by another notification dated 31.12.2021, which inter-alia, mandated that it was the responsibility of the Thermal Power Plant (hereinafter referred to as “*TPP*”) to dispose-off the fly ash and in regard to the same, it was also mentioned that the TPP would be responsible for 100% utilization of fly ash within the timeline prescribed in the said notification. All these notifications permitted the TPPs to dispose-off the Fly-ash including by way of sale in order to maximize the utilization.
9. It is submitted that pursuant to the notifications issued by the MoEF&CC, from time to time, 100% ash utilization is the mandate, and Respondent No. 13 has been employing several methods, as per the existing notifications, viz. offer fly ash free of cost, auction/sale of fly ash, free of cost delivery, filling up of mine voids etc. to achieve the said 100% ash utilization. It is further submitted that the sale of ash has helped in further increase of ash utilization in the last several years.
10. It is submitted that the Respondent No. 13 has, in the past, been employing the methods of auction/sale to dispose-off the fly-ash and has entered into various contracts with third parties. In addition, it has also been supplying the pond-ash free of cost to the concerned agencies in order to utilize the ash either generated or stored, at the earliest. A summary of the data pertaining to total Ash utilization as against the total Ash generation (for Financial Year 2024-25) to show the constant efforts made by the Respondent No. 13 to achieve 100% ash utilization is being annexed and marked herewith as **Annexure-2**.

No. 20 Date 18/03/2025
Shri Kaushal Kumar Thakur
I hereby solemnly affirm and declare
the contents of this affidavit / declaration
identified by sri _____

2409



Advocate.

NEW DELHI

Binod Pd. Pal
18/3/25

Notary
ORIGINAL APPLICATION NO. 327/2024



IN THE MATTER OF:

Amravati Fly Ash Bricks Manufactures Association

Vs.

Union of India & Ors.

...Respondents

AFFIDAVIT

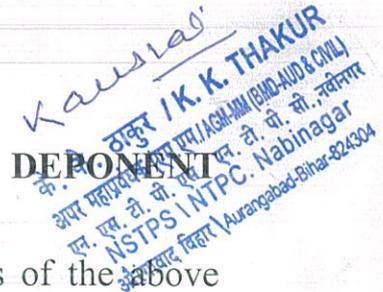
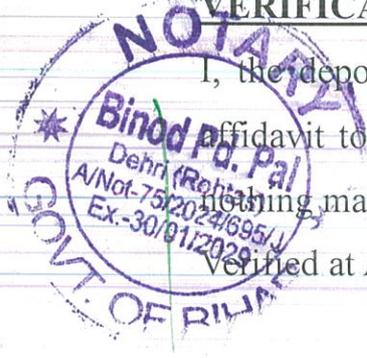
I, **Shri Kaushal Kumar Thakur**, aged about 51 years, S/o Late Shri Amar Nath Thakur, working as **Additional General Manager (BMD/AUD Department)** in the office of Respondent No.13, having its office at Nabinagar, Bihar, do hereby solemnly affirm and state as under:

1. I say that I am the authorized representative of the Answering Respondent No.13 Company and as such am competent to swear the present affidavit.
2. I say that I have read the contents of the above Reply and I have understood the contents of the same.
3. I say that the contents of the above Reply being filed by the Answering Respondent No.15 are based on the information available with the Answering Respondent in the normal course of business and believed by me to be true.

VERIFICATION

I, the deponent above-named, do hereby verify the contents of the above affidavit to be true to the best of my knowledge, no part of it is false and nothing material has been concealed there from.

Verified at Aurangabad, Bihar on this 18th day of March, 2025.



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17 Mar 2025

NOTARY
 Binod Pd. Pal
 Dehri (Rentas)
 Not-75/2024/695/J
 Exp-30/01/2029
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17 Mar 2025



एक महारत्न कम्पनी

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एनटीपीसी लिमिटेड
(भारत सरकार का उद्यम)
NTPC Limited
(A Govt. of India Enterprise)
नवीनगर / Nabinagar

संदर्भ सं० / Ref. No.

ANNEXURE-1

दिनांक / Date :

17.03.2025

TO WHOMSOEVER IT MAY CONCERN

I, **Shri Ladu Kishor Behera, Executive Director**, Nabinagar Super Thermal Power Station of NTPC Limited, New Delhi, pursuant to the powers vested on me vide Power of Attorney dated: 03 February, 2025 hereby authorize **Shri Kaushal Kumar Thakur**, aged about 51 years, S/o Late Shri Amar Nath Thakur, working as **Additional General Manager (BMD/AUD Department)** in the Company at NSTPS Nabinagar, to act for on behalf of the Company and to inter alia, do the acts, deeds and things as mentioned below;

1. To appear, sign, verify, affirm, and file Applications, Affidavit, etc. before the Hon'ble National Green Tribunal, New Delhi in connection with the matter between "Amravati Fly Ash brick Manufacturers Association Vs Union of India & Ors."
2. To appoint Advocates, solicitors, consultant(s) as may be necessary, give Vakalatnama and other necessary authorities and other matters incidental to or in connection with the matter.

This Authority is valid from the date of issuance of this Authority letter till the disposal of the Application filed before the Hon'ble National Green Tribunal, Delhi in connection with the matter between "Amravati Fly Ash brick Manufacturers Association Vs Union of India & Ors." or till the continuation of his employment with the Company, whichever is earlier.

Behera
17/03/2025
Ladu Kishor Behera
Executive Director, NSTPS

Place : Nabinagar
एल. के. बेहेरा / L.K. BEHERA
कार्यकारी निदेशक / Executive Director
नवीनगर सुपर थर्मल पावर प्रोजेक्ट
Nabinagar Super Thermal Power Project

नवीनगर सुपर थर्मल पावर स्टेशन, पोस्ट- अदिति नगर, जिला- औरंगाबाद (बिहार), पिन कोड : 824304

Nabinagar Super Thermal Power Station, Post- Aditi Nagar, Distt- Aurangabad (Bihar) Pin Code: 824304

पंजीकृत कार्यालय : एन टी पी सी भवन, स्कोप कॉम्प्लेक्स, 7 इंस्टीट्यूशनल एरिया, लोधी रोड, नई दिल्ली- 110 003

Registered Office : NTPC Bhawan SCOPE Complex.7 Institutional Area Lodhi Road New Delhi- 110 003

कॉरपोरेट आइडेंटिफिकेशन नम्बर / Corporate Identification Number : L40101DL1975GOI007966 वेबसाइट / website : www.ntpc.co.in

