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**BEFORE THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH AT NEW DELHI**

ORIGINAL APPLICATION NO. 691 OF 2022

IN THE MATTER OF:

RAMA SHANKER AWASTHI

.... APPLICANT(S)

VERSUS

STATE OF UTTAR PRADESH & ORS.

.... RESPONDENT(S)

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FILED THROUGH:



**[SANJEEV KUMAR SINGH]
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NEW DELHI

Dated: 24.05.2025

**BEFORE THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH AT NEW DELHI
ORIGINAL APPLICATION NO. 691 OF 2022**

IN THE MATTER OF:

RAMA SHANKER AWASTHI

.... APPLICANT(S)

VERSUS

STATE OF UTTAR PRADESH & ORS.

.... RESPONDENT(S)

**WRITTEN SUBMISSIONS ON BEHALF OF THE RESPONDENT
NO. 7/ BAJAJ ENERGY LIMITED.**

MOST RESPECTFULLY SHOWETH:

1. At the very outset it is humbly submitted that the answering Respondent is a compliant industry and has complied with the recommendations of the Joint Committee and has also deposited the environmental compensation as imposed and as such nothing survives in the present Petition. It is humbly submitted that the grounds as raised in the present Petition are devoid of any merits and is liable to be dismissed in the interest of justice. It is further submitted that the order dated 13.02.2023 has duly been complied with by the answering respondent in its full letter and spirit and all the recommendations of the Join Committee have been implemented by the answering Respondent Company to ensure a better environment.
2. It is further submitted that the Applicant has raised certain queries in the present Original Application, which have been answered by Respondent No. 7 in its reply dated 03.08.2024 and additional affidavit dated 09.01.2025. Additionally, the reports and replies filed by the other Respondents, along with the annexed documents, are *res ipsa loquitur*, demonstrating that the Respondent has obtained all statutory consents/NOCs and that there are no contraventions of environmental norms. A comprehensive chart depicting the relevant pages in the pleadings as well as the answer to the allegations for all the five units of

Respondent No. 7 is enumerated below for the convenience of this Hon'ble Tribunal:

A. ENVIRONMENTAL CLEARANCE

It is the case of the Applicant at Page 29 of the OA that EC was granted on 09.07.2010 but was not renewed or transferred.

To answer and clarify, the following chart speaks for itself:

UNIT	THERMAL POWER PLANT
KHAMBARKHERA/ LAKHIMPUR	<ul style="list-style-type: none"> • Set Up in the year 2011. <i>[JIR dated 04.01.23 @ internal Page 6.]</i> • EC for the Thermal Unit was obtained on 09.07.2010. <i>[JIR dated 04.01.23 @ internal Page 24.]</i> • On 29.09.2010, the Thermal division of BHL was converted into a new company called BEL. <i>[JIR dated 04.01.23 @ internal Page 37 which is the permission of the Unit to new company BEL]</i> • Further please see Para 5 of this Court's order dated 13.02.23. The Court has noted that <i>"..violations alleged with regard to EC/consents have not been found.."</i>

UNIT	THERMAL POWER PLANT
BARKHERA/ PILIBHIT	<ul style="list-style-type: none"> • Set Up in the year 2011-12. <i>[UPPCB Report dated 10.02.2023 @ running Page 421.]</i> • EC for the Thermal Unit was obtained on 09.07.2010. <i>[UPPCB Report dated 10.02.2023 @ running Page 448.]</i> • In December 2010, the Thermal division of BHL was converted into a new company called BEL. <i>[UPPCB Report dated 10.02.2023 @ running Page 447.]</i> • Further please see Para 5 of this Court's order dated 13.02.23. The Court has noted that <i>"..violations alleged with regard to EC/consents have not been found.."</i>

UNIT	THERMAL POWER PLANT
<p>KUNDARKHI/ GONDA</p>	<ul style="list-style-type: none"> • Set Up in the year 2012. <i>[UPPCB Report dated 10.02.2023 @ running Page 599.]</i> • EC for the Thermal Unit was obtained on 09.07.2010 from SEIAA. <i>[UPPCB Report dated 10.02.2023 @ running Page 629.]</i> • Further please see Para 5 of this Court's order dated 13.02.23. The Court has noted that <i>"..violations alleged with regard to EC/consents have not been found.."</i>

UNIT	THERMAL POWER PLANT
<p>UTRAULA/ ITAI MAIDA/ BALRAMPUR</p>	<ul style="list-style-type: none"> • Set Up in the year 2012. <i>[UPPCB Report dated 10.02.2023 @ running Page 774.]</i> • EC for the Thermal Unit was obtained on 09.07.2010. <i>[UPPCB Report dated 10.02.2023 @ running Page 792.]</i> • Further please see Para 5 of this Court's order dated 13.02.23. The Court has noted that <i>"..violations alleged with regard to EC/consents have not been found.."</i>

UNIT	THERMAL POWER PLANT
<p>MAQSOODAPUR/ SHAHJAHANPUR</p>	<ul style="list-style-type: none"> • Set Up in the year 2012. <i>[UPPCB Report dated 10.02.2023 @ running Page 926.]</i> • EC for the Thermal Unit was obtained on 09.07.2010 from SEIAA. <i>[UPPCB Report dated 10.02.2023 @ running Page 941.]</i> • In Jan 2011, the Thermal division of BHL was converted into a new company called BEL. <i>[UPPCB Report dated 10.02.2023 @ running Page 940.]</i> • Further please see Para 5 of this Court's order dated 13.02.23. The Court has noted that <i>"..violations alleged with regard to EC/consents have not been found.."</i>

B. CONSENT TO ESTABLISH (CTE/NOC) & CONSENT TO OPERATE

It is the case of the Applicant at Page 3 of the OA that no NOC (Consent to Establish)/Consent to Operate under Air and Water Act has been obtained by the Respondents for the Power Plants.

To answer and clarify, the following chart speaks for itself:

UNIT	THERMAL POWER PLANT
KHAMBARKHERA/ LAKHIMPUR	<ul style="list-style-type: none"> • Set Up in the year 2011. <i>[JIR dated 04.01.23 @ internal Page 6.]</i> • CTE for the Thermal Unit was obtained on 25.05.2010. <i>[JIR dated 04.01.23 @ internal Page 33 to 36.]</i> • On 29.09.2010, the Thermal division of BHL was converted into a new company called BEL. <i>[JIR dated 04.01.23 @ internal Page 37 which is the permission of the Unit to new company BEL]</i> • CTO (Air) <i>[JIR dated 04.01.23 @ internal Page 38.]</i> CTO (Water) <i>[JIR dated 04.01.23 @ internal Page 41.]</i> Authorization for disposal of Hazardous Waste <i>[JIR dated 04.01.23 @ internal Page 45.]</i> • Further please see Para 5 of this Court's order dated 13.02.23. The Court has noted that <i>"..violations alleged with regard to EC/consents have not been found.."</i>

UNIT	THERMAL POWER PLANT
BARKHERA/ PILIBHIT	<ul style="list-style-type: none"> • Set Up in the year 2011-12. <i>[UPPCB Report dated 10.02.2023 @ running Page 421.]</i> • EC for the Thermal Unit was obtained on 25.05.2010. <i>[UPPCB Report dated 10.02.2023 @ running Page 437.]</i> • In December 2010, the Thermal division of BHL was converted into a new company called BEL. <i>[UPPCB Report dated 10.02.2023 @ running Page 447.]</i>

	<ul style="list-style-type: none"> • CTO (Air) [UPPCB Report dated 10.02.2023 @ running Page 434.] CTO (Water) [UPPCB Report dated 10.02.2023 @ running Page 441.] Authorization for disposal of Hazardous Waste [UPPCB Report dated 10.02.2023 @ running Page 444.] • Further please see Para 5 of this Court's order dated 13.02.23. The Court has noted that <i>"..violations alleged with regard to EC/consents have not been found.."</i>
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UNIT	THERMAL POWER PLANT
KUNDARKHI/ GONDA	<ul style="list-style-type: none"> • Set Up in the year 2012. [UPPCB Report dated 10.02.2023 @ running Page 599.] • CTE for the Thermal Unit was obtained on 01.12.2011 from UPPCB. [UPPCB Report dated 10.02.2023 @ running Page 637.] • CTO (Air) [UPPCB Report dated 10.02.2023 @ running Page 643.] CTO (Water) [UPPCB Report dated 10.02.2023 @ running Page 647.] Authorization for disposal of Hazardous Waste [UPPCB Report dated 10.02.2023 @ running Page 652.] • Further please see Para 5 of this Court's order dated 13.02.23. The Court has noted that <i>"..violations alleged with regard to EC/consents have not been found.."</i>

UNIT	THERMAL POWER PLANT
UTRAULA/ ITAI MAIDA/ BALRAMPUR	<ul style="list-style-type: none"> • Set Up in the year 2012. [UPPCB Report dated 10.02.2023 @ running Page 774.] • CTE for the Thermal Unit was obtained on 31.05.2010 from UPPCB. • CTO (Air) [UPPCB Report dated 10.02.2023 @ running Page 796.] CTO (Water) [UPPCB Report dated 10.02.2023 @ running Page 799.] Authorization for disposal of Hazardous Waste [UPPCB Report dated 10.02.2023 @ running Page 804.]

	<ul style="list-style-type: none"> • Further please see Para 5 of this Court's order dated 13.02.23. The Court has noted that “<i>..violations alleged with regard to EC/consents have not been found..</i>”
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UNIT	THERMAL POWER PLANT
MAQSOODAPUR/ SHAHJAHANPUR	<ul style="list-style-type: none"> • Set Up in the year 2012. [UPPCB Report dated 10.02.2023 @ running Page 926.] • CTE for the Thermal Unit was obtained on 25.05.2010 from UPPCB. [UPPCB Report dated 10.02.2023 @ running Page 946.] • In Jan 2011, the Thermal division of BHL was converted into a new company called BEL. [UPPCB Report dated 10.02.2023 @ running Page 940.] • CTO (Air) [UPPCB Report dated 10.02.2023 @ running Page 964.] CTO (Water) [UPPCB Report dated 10.02.2023 @ running Page 973.] Authorization for disposal of Hazardous Waste [UPPCB Report dated 10.02.2023 @ running Page 982.] • Further please see Para 5 of this Court's order dated 13.02.23. The Court has noted that “<i>..violations alleged with regard to EC/consents have not been found..</i>”

B. NOC GROUNDWATER

It is the case of the Applicant at Page 27 of the OA that no NOC for Groundwater Extraction has been obtained by the Respondent for the Power Plants.

To answer and clarify, the following chart speaks for itself:

UNIT	THERMALPOWER PLANT
MAQSOODAPUR/ SHAHJAHANPUR	<ul style="list-style-type: none"> • EC for the Thermal Unit was obtained on 09.07.2010 from SEIAA. [UPPCB Report dated 10.02.2023 @ running Page 941.] • In the year 2010, a continuing NOC was issued by CGWA. [Reply of CGWA dated 20.02.2025 @ page 4032]

	<ul style="list-style-type: none"> • Unit commissioned in the year 2012. <i>[UPPCB Report dated 10.02.2023 @ running Page 926.]</i> • On 04.10.2017, CGWA issued a Public Notice calling upon the Exempted Units to apply for NOC for groundwater extraction by 31.12.2017 <i>[Reply of R6 dated 18.04.2024 @ running Page 1194.]</i> • On 29.06.2018, another Public Notice was issued extending the date till 30.09.2018 <i>[Reply of R6 dated 18.04.2024 @ running Page 1195.]</i> • On 19.09.2018, NOC was renewed for a period of 3 years till 28.08.2021. <i>[Reply of CGWA dated 20.02.2025 @ page 4032]</i> • <i>NOC was further extended from 21.08.2021 till 20.08.2026 [UPPCB Report dated 10.02.2023 @ running Page 947.]</i> • Further please see Para 5 of this Court's order dated 13.02.23. The Court has noted that <i>"..violations alleged with regard to EC/consents have not been found.."</i>
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UNIT	THERMAL POWER PLANT
KHAMBARKHERA/ LAKHIMPUR	<ul style="list-style-type: none"> • EC for the Thermal Unit was obtained on 09.07.2010 from SEIAA. <i>[JIR dated 04.01.23 @ internal Page 24.]</i> • In the year 2010, a continuing NOC was issued by CGWA. <i>[Reply of CGWA dated 20.02.2025 @ page 4032]</i> • Unit commissioned in the year 2011. <i>[JIR dated 04.01.23 @ internal Page 6.]</i> • On 04.10.2017, CGWA issued a Public Notice calling upon the Exempted Units to apply for NOC for groundwater extraction by 31.12.2017 <i>[Reply of R6 dated 18.04.2024 @ running Page 1194.]</i> • On 29.06.2018, another Public Notice was issued extending the date till 30.09.2018

	<p><i>[Reply of R6 dated 18.04.2024 @ running Page 1195.]</i></p> <ul style="list-style-type: none"> • On 19.09.2018, NOC was renewed for a period of 3 years till 28.08.2021. <i>[Reply of CGWA dated 20.02.2025 @ page 4032]</i> • <i>NOC was further extended from 25.07.2021 till 24.07.2026 [JIR dated 04.01.23 @ internal Page 49.]</i> • Further please see Para 5 of this Court's order dated 13.02.23. The Court has noted that <i>"..violations alleged with regard to EC/consents have not been found.."</i>
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UNIT	THERMAL POWER PLANT
<p>BARKHERA/ PILIBHIT</p>	<ul style="list-style-type: none"> • EC for the Thermal Unit was obtained on 09.07.2010 from SEIAA. <i>[UPPCB Report dated 10.02.2023 @ running Page 448.]</i> • In the year 2010, a continuing NOC was issued by CGWA. <i>[Reply of CGWA dated 20.02.2025 @ page 4032]</i> • Unit commissioned in the year 2012. <i>[UPPCB Report dated 10.02.2023 @ running Page 421.]</i> • On 04.10.2017, CGWA issued a Public Notice calling upon the Exempted Units to apply for NOC for groundwater extraction by 31.12.2017 <i>[Reply of R6 dated 18.04.2024 @ running Page 1194.]</i> • On 29.06.2018, another Public Notice was issued extending the date till 30.09.2018 <i>[Reply of R6 dated 18.04.2024 @ running Page 1195.]</i> • On 19.09.2018, NOC was renewed for a period of 3 years till 28.08.2021. <i>[Reply of CGWA dated 20.02.2025 @ page 4032]</i> • <i>NOC was further extended from 23.06.2021 till 22.06.2026. [UPPCB Report dated 10.02.2023 @ running Page 457.]</i>

	<ul style="list-style-type: none"> • Further please see Para 5 of this Court's order dated 13.02.23. The Court has noted that “<i>..violations alleged with regard to EC/consents have not been found..</i>”
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UNIT	THERMAL POWER PLANT
KUNDARKHI/ GONDA	<ul style="list-style-type: none"> • EC for the Thermal Unit was obtained on 09.07.2010 from SEIAA. [<i>UPPCB Report dated 10.02.2023 @ running Page 629.</i>] • In the year 2010, a continuing NOC was issued by CGWA. [<i>Reply of CGWA dated 20.02.2025 @ page 4032</i>] • Unit commissioned in the year 2012. [<i>UPPCB Report dated 10.02.2023 @ running Page 599.</i>] • On 04.10.2017, CGWA issued a Public Notice calling upon the Exempted Units to apply for NOC for groundwater extraction by 31.12.2017 [<i>Reply of R6 dated 18.04.2024 @ running Page 1194.</i>] • On 29.06.2018, another Public Notice was issued extending the date till 30.09.2018 [<i>Reply of R6 dated 18.04.2024 @ running Page 1195.</i>] • On 19.09.2018, NOC was renewed for a period of 3 years till 28.08.2021. [<i>Reply of CGWA dated 20.02.2025 @ page 4032</i>] • <i>NOC was further extended from 18.06.2021 till 17.06.2026 [UPPCB Report dated 10.02.2023 @ running Page 660.]</i> • Further please see Para 5 of this Court's order dated 13.02.23. The Court has noted that “<i>..violations alleged with regard to EC/consents have not been found..</i>”

UNIT	THERMAL POWER PLANT
UTRAULA/ ITAI MAIDA/ BALRAMPUR	<ul style="list-style-type: none"> • EC for the Thermal Unit was obtained on 09.07.2010 from SEIAA. [<i>UPPCB Report dated 10.02.2023 @ running Page 941.</i>]

	<ul style="list-style-type: none"> • In the year 2010, a continuing NOC was issued by CGWA. <i>[Reply of CGWA dated 20.02.2025 @ page 4032]</i> • Unit commissioned in the year 2012. <i>[UPPCB Report dated 10.02.2023 @ running Page 774.]</i> • On 04.10.2017, CGWA issued a Public Notice calling upon the Exempted Units to apply for NOC for groundwater extraction by 31.12.2017 <i>[Reply of R6 dated 18.04.2024 @ running Page 1194.]</i> • On 29.06.2018, another Public Notice was issued extending the date till 30.09.2018 <i>[Reply of R6 dated 18.04.2024 @ running Page 1195.]</i> • On 19.09.2018, NOC was renewed for a period of 3 years till 28.08.2021. <i>[Reply of CGWA dated 20.02.2025 @ page 4032]</i> • <i>NOC was further extended from 06.09.2021 till 05.09.2026 [UPPCB Report dated 10.02.2023 @ running Page 808.]</i> • Further please see Para 5 of this Court's order dated 13.02.23. The Court has noted that <i>"..violations alleged with regard to EC/consents have not been found.."</i>
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3. In such circumstances the answering Respondent humbly prays for the dismissal of the present Application with exemplary costs and in the interest of justice, keeping in view the fact that there is no violation as alleged by the Applicant in the Application/objections.

FILED BY:



**[SANJEEV KUMAR SINGH & BHISHM PRATAP SINGH]
(ADVOCATE FOR THE RESPONDENT NO.7)
LEGAL VIBES (ADVOCATES & SOLICITORS)**

**NEW DELHI
Dated: 24.05.2025**

**G-27, FIRST FLOOR,
JANGPURA EXTENSION,
NEW DELHI-110014.**

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Legal Vibes <legalvibes.lawfirm@gmail.com>

**O.A. No.691/2022 Titled as Rama Shanker Awasthi Vs. State of Uttar Pradesh & Ors.
(Written Submission R-6 & R-7)**

1 message

Legal Vibes <legalvibes.lawfirm@gmail.com>

Sat, May 24, 2025 at 8:56 PM

To: sanjetcs89@gmail.com, psecforest-up@nic.in, grievance@uppcb.com, chairman.seiaa.up@gmail.com, upgwd.in@gmail.com, adesai@bajajenergy.com, mcgwa-cgwb@nic.in

Cc: Sanjeev kumar Singh <sanjeevsingh2102@gmail.com>, contact@sheldonlawfirm.com, bhishm pratap <bhishm.pratap4@gmail.com>

Dear all,

Please find the attachment Written Submission on behalf of the Respondent No.6 & (M/s. Bajaj Hindusthan Sugar Ltd.) & M/s. Bajaj Energy Ltd.

Kindly accept the services.

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*Thanks & Regards,****Legal Vibes Law Firm****G-27, First Floor,**Jangpura Extension**New Delhi-110014**Ph: 011-43580335***2 attachments****Written Submissions R-7.pdf**

740K

**Written Submissions R-6.pdf**

716K