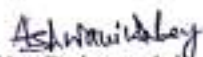
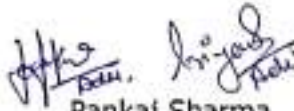


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(Ashwani Kr. Dubey, Advocate)
Applicant

Through



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New Delhi

Dated : 19 June, 2020

A

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

ORIGINAL APPLICATION NO. OF 2020

MEMO OF PARTIES

IN THE MATTER OF:

Ashwani Kumar Dubey
Advocate-on-Record
Supreme Court of India
S/o Late Shri D.R. Dubey
Permanent Resident of
House No. 55-56, Near Mayor Bungalow,
Bilaunji (Waidhan), P.S. Waidhan - 486886,
District- Singrauli, Madhya Pradesh.

Presently at:

264-A, Pocket-C,
Mayur Vihar Phase-II,
New Delhi - 110091

...Applicant

VERSUS

1. Sasan Ultra Mega Power Project,
(Reliance Power Limited)
Siddhikhurd, Tiwara,
Waidhan, District- Singrauli
Madhya Pradesh-486886
Through its Managing Director

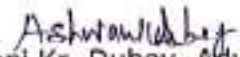
Also at

Reliance Centre, Ground Floor,
19, Walchand Hirachand Marg,
Ballard Estate, Mumbai-400001

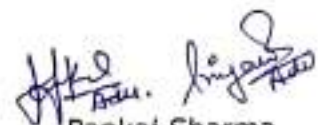
2. Govind Ballabh Pant Sagar
"Rihand Reservoir"
Pipri, District Sonbhadra,
Uttar Pradesh-231221
Through its Executive Engineer
3. Ministry of Environment, Forest & Climate Change
Government of India
Indira Paryavaran Bhavan,
Jorbagh Road, New Delhi - 110003
Through its Secretary

B

4. Ministry of Water Resources RD & GR
Government of India
Block-11, Jawahar Lal Nehru Stadium Marg,
CGO Complex, Pragati Vihar,
New Delhi - 110003
Through its Secretary
5. Central Pollution Control Board,
Parivesh Bhawan, East Arjun Nagar,
Delhi - 110032.
Through its Member Secretary
6. District Collector Singrauli
Collectorate Building,
Waidhan, District Singrauli,
Madhya Pradesh-486886
7. Madhya Pradesh Pollution Control Board
E-5, Arera Colony, Paryavaran Parisar,
Bhopal - 462 016 (M.P.)
Through its Member Secretary
8. Uttar Pradesh Pollution Control Board
Building No. TC-12V, Vibhut Khand,
Gomti Nagar, Lucknow-226010 (U.P.)
Through its Member Secretary ...Respondents


(Ashwani Kr. Dubey, Advocate)
Applicant

Through


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Email: adv.pankaj.s@gmail.com

New Delhi
Dated : 19 June, 2020

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SYNOPSIS

The Applicant is filing the present Original Application for direction to set up a mechanism for disposal of fly ash, bottom ash, toxic residue, Industrial/solid waste and to restrict the power industries to dispose their industrial/solid waste, fly ash, bottom ash, toxic residue in the Rihand Reservoir, wells, water bodies and fields of farmers and toxic residue in the nearby locality, Rihand Reservoir and further direction to restore the environment, to pay the compensation/damages to the affected persons and impose the adequate environmental compensation for causing pollution and further direction to cancel all environmental and statutory clearances of the Respondent No.1 i.e industry and to pass a closure order with immediate effect being polluting industry, for willfully and deliberately throwing the fly ash, bottom ash, toxic residue, sewage etc in the Rihand Reservoir and further direction to the respondents to install the Reverse Osmosis (R.O.) plant of reasonable capacity for providing safe drinking water in the area on the doctrine of "*Polluter Pays Principle*".

That the Respondent No.1 is disposing the fly ash, toxic residue and industrial waste in the Govind Ballabh Pant Sagar "Rihand Reservoir" and other water bodies of the area, nearby villages which are damaging the health and life of people living in the area and upcoming generation of Singrauli & Sonbhadra (MP &

UP) respectively and not complying the relevant laws, guidelines and the directions issued from time to time by the concerned ministries, authorities and departments for safety and security measures of surrounding villages and residents living therein.

That on 10.04.2020, the ash dyke of Respondent No.1 Sasan Ultra Mega Power project had breached due to the willful negligent act of power project officials, 6 local persons (including 3 minor children) died and millions of metric tons of fly ash, toxic residue, industrial waste and other hazardous chemicals entered into the Govind Ballabh Pant Sagar "Rihand Reservoir" (only source of drinking water for the people of two districts i.e. Singrauli, Madhya Pradesh and Sonebhadra, Uttar Pradesh). The entire water supply of two districts has been contaminated and is not found suitable either for drinking or for household purposes as per the various reports and survey of scientific research teams.

That due to the aforesaid breach of fly ash dyke of Sasan Ultra Mega Power Plant (Respondent No.1), fly ash destroyed the agricultural land and took lives of 6 innocent villagers (including 3 minor children) and many cattle swept away with the ash slurry in the "Rihand Reservoir".

That due to the collapse of fly ash dyke on 10.04.2020, there has been huge loss to the environment and millions of metric tons of

fly ash stored in the dyke have been deposited in the Rihand Reservoir through the "Nalla"/Drain. The damage has been caused to the environment in various contexts viz-a-viz ground water damage; damage to standing crops and the agricultural land have become unfertile.

That it is respectfully submitted that the high level of mercury in the air, water and soil is found in Singrauli area which is more than the prescribed limit. The adverse impact of the pollution is visible in the blood, hair, nails, legs, hands and body of the people living in that area.

That it is further necessary to bring in the kind notice of this Hon'ble Tribunal the fluoride concentration in the water is found higher than the prescribed limit which are causing tumors, health hazardous such as dental and skeletal fluorosis affecting most of the people of the area and serious health disorders are being reported and most of the villages of that surrounding area suffer from excess fluoride in the drinking water beyond the prescribed limit which is causing affect to the teeth and bones of the villagers.

That due to the negligent act of Respondent No.1, Sasan Ultra Mega Power Project more pollutants and hazards has been added in the water, air and soil. The health of the generations are at stake and various studies have been conducted which proves that

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none of the industries operating in the area are not following the prescribed norm leading to severe health issues. Till date, no action has been taken against the responsible person of Sasan Ultra Mega Power Plant (Respondent No.1) for throwing millions of metric tons of fly ash and toxic residue in water bodies on 10.04.2020.

That it is the third such incident in last one year in Singrauli, First the fly ash dyke of Essar Mega Power Plant had breached, thereafter the fly Ash dyke of Vidhyanchal Super Thermal Power Project had breached and now the Ash dyke of Respondent No.1 has breached on 10.04.2020 and the millions of metric tons of fly ash, bottom ash, toxic residue, industrial sewage has been deposited in the Rihand Reservoir due to which the entire water is highly polluted and is found unsafe for drinking. Even the pollution control board and other authorities are negligent and reluctant and do not care about the life of more than 20 lakh people of two districts (Singrauli and Sonebhadra).

That it is further necessary to bring in the kind notice of this Hon'ble Tribunal the water of the many villages namely Govind pur, Kusmaha, Kakri, Harrahwa, Khairahi, Naktu, Sirsoti, Chilkadand, Pasavar Raja and Dibulgang, Jaitpur, Jayant, Baliyari, Jubadi, Chandawal, Yoglchaura, Bhalrawan, Misra, Sasan, Waidhan, Siddhi khurd, Gadhara, Chargoda, Tusa, Ganiyari and many other dozens of villages have already been

contaminated and not safe for drinking due to high fluoride concentration and toxic residue. Not only this, the level of mercury concentration in ground water is found to be exceeding from its prescribed limits in various villages /colonies such as Jayant Colony, Jaitpur, MPCC Colony, Parsawar- Raja, Chilkadand, Kirwani, Parasi, Harrahwa, Naktu, Sirsoti, Kushmaha, Govindpur, Dibulganj and other villages of Singrauli (M.P.) and Sonebhadra (U.P.).

That the people living therein are deprived of their fundamental and legal rights due to such irresponsible behavior of responsible government officials and the heavy industries operating in that area.

05.09.2013 the Applicant had filed the O.A. No. 276 of 2013 titled as "*Ashwani Kumar Dubey Vs. Union of India & Ors*" before this Hon'ble Tribunal pertaining to the damage caused to the environment flora fauna within the Singrauli District (Madhya Pradesh) and Sonebhadra District (Uttar Pradesh).

06.12.2017 vide order dated 06.12.2017 in the O.A. No. 276 of 2013 titled as "*Ashwani Kumar Dubey Vs. Union of India & Ors*" this Hon'ble Tribunal constituting a High Power Committee with the direction to the committee to file a periodical

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report on every three months regarding the implementation of the recommendations of core committee.

06.04.2018 the core committee had filed the report before the Hon'ble National Green Tribunal, New Delhi which was later registered as O.A. No. 164 of 2018 titled as "*Ashwani Kumar Dubey Vs. Union of India & Ors*".

01.10.2019 The District collector vide letter no.3093/2019 had directed the administration of the Sasan Ultra Mega power Plant (Respondent No.1) for repairing the cracks of dyke of the Fly ash but no action had been taken by the Respondent No.1

4.10.2019 The District collector again vide letter no.3166/2019 had directed the administration of the Sasan Ultra Mega power Plant (Respondent No.1) for repairing the cracks of the dyke of Fly ash but no action had been taken by the Respondent No.1

22.10.2019 The District collector again vide letter no.2381/2019 had directed the administration of the Sasan Ultra Mega power Plant (Respondent

No.1) for repairing the cracks of the dyke of Fly ash but no action had been taken by the Respondent No.1

25.10.2019 A massive protest was initiated by the villagers before the District collector, Singrauli to take appropriate action for repairing the cracks in the fly ash dyke and the other problems which they were facing due to the illegal functioning of the Respondent No.1. Thereafter a long protest of 18 days, the Respondent No.1, District Collector, Singrauli had assured the villagers to get the fly ash dyke repaired immediately and thereafter Villagers, District Collectors and Respondent No.1 had executed a memorandum of understanding dated 25.10.2019 in this regard.

10.04.2020 Due to the fly ash dyke breach of the Respondent No.1, the water bodies have become highly contaminated and millions of metric tons of fly ash and industrial waste entered into the "Rihand Reservoir", 6 locals (including 3 minor children) died. The toxic residue ash slurry deposited in the water bodies and agricultural lands of nearby villages, drinking wells causing severe damages to the life of the residents of the

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said area and also raised an alarming situation for the environment, flora and fauna within the district of Singrauli and Sonebhadra.

It is further submitted that the aforesaid act was done deliberately and in a willful manner for nothing but to satisfy their greed for money and personal mean motives by not utilizing the fly ash as per the Fly Ash notifications, 2009. Necessary to submit here that the fly ash dyke of aforesaid respondent no.1 had already been reached to its saturated level way back and the Fly Ash was flowing in the Renuka River and despite the instructions; no preventive measures were taken by the industry to stop it.

The aforementioned negligent act of Respondent No.1, Sasan Ultra Mega Power Plant has added more pollutants and hazards in the water, air and soil.

11.04.2020 A magisterial enquiry was initiated due to the pressurization of the villagers but till date no action has been taken against the guilty officials of the Respondent No.1.

12.04.2020 The district magistrate vide letter dated 12.04.2020 had issued show cause notice for

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explanation but no action has been taken till date.

16.04.2020 The applicant filed a representation before District Collector, Singrauli and urge for proper inquiry and action, but all are in vein and the officials are playing a role of mute spectator.

29.04.2020 The Applicant filed an online complaint before the Hon'ble National Human Rights Commission. The Hon'ble National Human Rights Commission had issued notice on 19.05.2020 in the complaint of Applicant herein.

19.06.2020 In view of the facts and circumstances narrated above, the Applicant is seeking kind indulgence of this Hon'ble Tribunal in the interest of natural justice, human well being and for the safeguard of the environment, flora & fauna. Hence, the present Original Application is being filed before this Hon'ble Tribunal.

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

ORIGINAL APPLICATION NO. OF 2020

IN THE MATTER OF:

Ashwani Kumar Dubey
Advocate-on-Record
Supreme Court of India
S/o Late Shri D.R. Dubey
Permanent Resident of
House No. 55-56, Near Mayor Bungalow,
Bilaunji (Waidhan), P.S. Waidhan - 486886,
District- Singrauli, Madhya Pradesh.

Presently at:

264-A, Pocket-C,
Mayur Vihar Phase-II,
New Delhi - 110091

...Applicant

VERSUS

1. Sasan Ultra Mega Power Project,
(Reliance Power Limited)
Siddhikhurd, Tiwara,
Waidhan, District- Singrauli
Madhya Pradesh-486886
Through its Managing Director

Also at

Reliance Centre, Ground Floor,
19, Walchand Hirachand Marg,
Ballard Estate, Mumbai-400001

2. Govind Ballabh Pant Sagar
"Rihand Reservoir"
Pipri, District Sonbhadra,
Uttar Pradesh-231221
Through its Executive Engineer
3. Ministry of Environment, Forest & Climate Change
Government of India
Indira Paryavaran Bhavan,
Jorbagh Road, New Delhi - 110003
Through its Secretary

4. Ministry of Water Resources RD & GR
Government of India
Block-11, Jawahar Lal Nehru Stadium Marg,
CGO Complex, Pragati Vihar,
New Delhi – 110003
Through its Secretary
5. Central Pollution Control Board,
Parivesh Bhawan, East Arjun Nagar,
Delhi – 110032
Through its Member Secretary
6. District Collector Singrauli
Collectorate Building,
Waidhan, District Singrauli
Madhya Pradesh-486886
7. Madhya Pradesh Pollution Control Board
E-5, Arera Colony, Paryavaran Parisar
Bhopal – 462 016 (M.P.)
Through its Member Secretary
8. Uttar Pradesh Pollution Control Board
Building No. TC-12V, Vibhuti Khand,
Gomti Nagar, Lucknow– 226010 (U.P.)
Through its Member Secretary

...Respondents

**APPLICATION UNDER SECTION 18 READ WITH SECTION 14
AND 15(1)(a),(b)&(c) OF THE NATIONAL GREEN
TRIBUNAL ACT, 2010 FOR DIRECTIONS, COMPENSATION &
RELIEF**

TO,

THE HON'BLE CHAIRPERSON
NATIONAL GREEN TRIBUNAL PRINCIPAL BENCH,
NEW DELHI AND OTHER HON'BLE MEMBERS

HUMBLE APPLICATION OF
ABOVE-NAMED APPLICANT

MOST RESPECTFULLY SHOWETH:

1. That the Applicant herein is the permanent resident of District Singrauli, Madhya Pradesh and is a practicing Advocate at New Delhi. It is respectfully submitted that being a resident of the aforesaid district, the Applicant herein is concerned with the aspects relating to environmental, flora and fauna of the aforementioned district and nearby districts. The present Original Application is being filed for direction to set up a mechanism for disposal of fly ash, bottom ash, toxic residue, industrial/solid waste and to restrict the power industries to dispose their industrial/solid waste, fly ash, bottom ash, toxic residue in the Rihand Reservoir, wells, water bodies and fields of farmers and in the nearby locality, Rihand Reservoir and further direction to restore the environment, to pay the compensation/damages to the affected persons and to impose the adequate environmental compensation for causing pollution and further direction to cancel all environmental and statutory clearances of the Respondent No.1 i.e. Industry and to pass a closure order with immediate effect being polluting industry, for willfully and deliberately throwing the fly ash, bottom ash, toxic residue, sewage etc. in the Rihand Reservoir and further direction to the respondents to install the Reverse Osmosis (R.O.) plant of reasonable capacity for providing safe drinking water in the area on the doctrine of "*Polluter Pays Principle*".

2. That the Respondent No.1 Sasan Ultra Mega Power Project has deliberately and knowingly thrown millions of metric tons of fly ash, toxic residue, industrial waste, bottom ash and other industrial waste in the Govind Ballabh Pant Sagar "Rihand Reservoir" (Respondent No.2), which is the largest dam of India by volume located at District Singrauli, M.P and Pipri, Sonebhadra District, U.P. The aforesaid Reservoir is partly in Singrauli, Madhya Pradesh and partly in Sonebhadra, Uttar Pradesh. It is located on the Rihand River, a tributary of the Son River. The catchment area of this dam extends over Uttar Pradesh, Madhya Pradesh and Chhattisgarh whereas it supplies drinking water to the large number of area and as well as irrigation water in areas of Bihar located downstream of the River. The aforesaid Rihand Reservoir is highly contaminated and it is getting damaged day by day because of continuous breach of fly ash, toxic residue, industrial waste, bottom ash and other industrial waste by the Power industries located at nearby areas. The recent breach of fly ash dyke from the unit of Respondent No.1 has added more contamination in water which was already highly contaminated as the millions of metric ton of fly ash, bottom ash, toxic residue, sewage etc. is already dumped in the reservoir. Respondent No. 3 & 4 is the concerned ministries responsible for the issuance of license, guidelines, rules & regulations for the working of heavy industries for treatment of water in the said

industries, the Respondent No.5 is the Central Pollution Control Board. The Respondent No.6 is the District Collector, Singrauli. Respondent No. 5, 7 & 8 are the Pollution Control Boards who are responsible to control and to have checks and balances for the control of pollution and safety measures within the industries.

3. That on 10.04.2020, the fly ash dyke of Respondent No.1 Sasan Ultra Mega Power Project breached due to the deliberate negligent acts of officials of the Respondent No.1. It is respectfully submitted that due to the breach of ash dyke 6 local residence (including 3 minor children) swept in the ash slurry and died. Their dead bodies were recovered after 3-4 days of the incident and after the regular and intense protest by the local residence. Millions of metric tons of fly ash, toxic residue, industrial waste and other hazardous chemicals entered into the Govind Ballabh Pant Sagar "Rihand Reservoir", which is the only source of drinking water for the people of two districts i.e. Singrauli, Madhya Pradesh and Sonbhadra, Uttar Pradesh. The entire water of reservoir has been contaminated and is not suitable either for drinking or for any household purposes. The photographs of the incident showing damages of dated 10.04.2020 are annexed herewith as **ANNEXURE P-1** Colly at (Pages 22 to 30).

4. That the fly ash and toxic residue has also destroyed the agricultural fields, caused the death of hundreds of cattles, damaged the flora and fauna of the area of almost 50 kms and the houses of the villagers has also been destroyed apart from loss of 6 human lives.

5. That due to the collapse of fly ash dyke, there has been a huge loss to the environment and millions of metric tons of fly ash, toxic residue etc. stored in the dyke has been flown in the Govind Ballabh Pant Sagar "Rihand Reservoir" through the "Naala"-Drain. The damage has been caused to the environment in various contexts viz-a-viz ground water damage, damage to standing crops and the agricultural land have become unfertile. The news articles published in various newspapers, videos published with respect to the aforesaid incident are annexed herewith **ANNEXURE P-2** at (Pages 31 to 36). The links of the news articles and videos are as under :

- I. <https://www.ndtv.com/india-news/5-missing-after-toxic-ash-leak-from-reliance-power-plant-in-madhya-pradesh-singrauli-2209878>
- II. <https://www.thehindu.com/news/national/other-states/two-die-after-dyke-of-power-plants-fly-ash-pond-breaches/article31315444.ece>
- III. <https://economictimes.indiatimes.com/news/politics-and-nation/six-missing-after-india-power-plant-dyke-gives-way/articleshow/75087481.cms>
- IV. <https://www.hindustantimes.com/india-news/third-ash-pond-disaster-in-singrauli-in-one-year/story>

- V. <https://timesofindia.indiatimes.com/city/bhopal/madhya-pradesh-fly-ash-dyke-collapses-in-singrauli-6-missing/articleshow/75092530.cms>
- VI. <https://www.ndtv.com/video/news/news/2-dead-4-missing-after-ash-leak-from-reliance-power-plant-in-madhya-pradesh-545342>.
- VII. <https://www.thelallantop.com/videos/breakage-in-the-ash-dump-yard-wall-of-reliance-power-plant-two-people-dead-and-five-others-missing-in-mps-singrauli>

6. That it is respectfully submitted that the high presence of mercury is reported in the air, water and soil of the Singrauli area and other nearby areas more than the prescribed limit. The adverse impact of the pollution could be visible in the blood, hair, nails, legs, hands and body of the people living in that area because of which the new diseases and unseen damage to the body parts of the local residence are merely visible from the naked eyes.

7. That it is further necessary to bring in the kind notice of this Hon'ble Tribunal that fluoride concentration in the water is found higher than the prescribed limit which are causing tumors, health hazardous such as dental and skeletal fluorosis affecting most of the people living in that area and serious health disorders are being reported and most of the villagers of that area are suffering from excess fluoride in the drinking water which is beyond the prescribed limit that are causing diseases related to teeth and bones.

8. That the aforementioned negligent act of Respondent No.1, Sasan Ultra Mega Power Project has added more pollutants

and hazards in the water, air and soil. The health of the generations are at stake and various studies have been conducted to prove that none of the industries operating in that area are following the prescribed norms leading to various severe health issues and some where towards the destruction of coming generation. Till date, no action has been taken against the responsible officials of Sasan Ultra Mega Power Project for disposing/throwing millions of metric tons of fly ash and toxic residue in water bodies on 10.04.2020.

9. That it is the third such incident in the last one year in Singrauli. On 09.08.2019 the fly ash dyke of Essar Mega Power Plant had breached and more than five hundred farmers suffered from crop losses and 5 children were trapped and later rescued. Thereafter, again on 06.10.2019 the Ash dyke of Vidhyanchal Super Thermal Power Project, Singrauli had breached resultantly huge quantity of fly ash, bottom ash, toxic water and industrial/solid waste destroyed the agricultural lands, water bodies, wells and houses of the people living nearby. Thereafter, now on 10.04.2020 the Ash dyke of Respondent No.1 has breached.
10. That It is also necessary to bring in the kind notice that the water of the nearby villages namely Govindpur, Kusmaha, Kakri, Harrahwa, Khairahi, Naktu, Sirsoti, Chilkadand, Pasavar Raja and Dibulgang, Jaitpur, Jayant, Baliyari, Jubadi, Chandawal, Yogichaura, Bhairawan, Misra, Sasan,

Waidhan, Siddhi khurd, Gadghara, Chargoda, Tusa, Ganiyari and many other dozens of villages have already been contaminated and found not suitable for drinking due to high fluoride concentration and toxic residue. Not only this, the level of mercury concentration in ground water is found to be exceeding the prescribed limits in various villages /colonies such as Jayant Colony, Jaitpur, MPCC Colony, Parsawar- Raja, Chilkadand, Kirwani, Parasi, Harrahwa, Naktu, Sirsoti, Kushmaha, Govindpur, Dibulganj and other villages of Singrauli (M.P.) and Sonebhadra (U.P.).

11. That it is respectfully submitted that on 05.09.2013, the Applicant had filed the O.A. No.276 of 2013 titled as "*Ashwani Kumar Dubey Vs. Union of India & Ors*" before this Hon'ble Tribunal seeking following reliefs before this Hon'ble Tribunal:-

- a. direct the respondents to produce all the relevant records relating to the implementation of enactments specified in Schedule -1 of the National Green Tribunal Act, 2010 as applicable to entire Singrauli. Region of District- Singrauli, Madhya Pradesh and District- Sonebhadra, Uttar Pradesh.
- b. issue direction restraining the concerned authorities from granting sanction / fresh permission/ consent for establishing any new unit or expansion of existing units alongwith respondent No.13 to 15 until the complete implementation of action plan for improving the environmental quality of the area in question."

- c. constitute an appropriate monitoring committee to ensure affecting time bound and transparent implementation of the enactments specified in Schedule-1 of National Green Tribunal Act, 2010.
- d. to restrain the respondent No.13, 14 & 15 not to cut the green trees of forest and not to start their project and not to create any acute pollution of air, water and noise in the area in question.
- e. issue such directions as deem fit and proper by this Hon'ble Tribunal for restitution of the environment of the area in issue.
- f. direct prosecution of all concerned who have been found to be in breach of the applicable enactments as specified in Schedule-1 of the National Green Tribunal Act, 2010.
- g. direct the respondent No.10 to 12 and 16 to 24 to install modern devices and equipments for controlling / minimizing the pollution within prescribe limits.
- h. restrain the respondent No.10 to 12 and 16 to 24 not to run the industries without prior consent /sanction and approval by the concerned pollution boards about the modern device, technique and equipments for controlling/minimizing the existing pollution.
- i. restrain the respondents not to transport their coal from coal linkage by road passing between and by villages Majan More, Kachni, Telai, Persauna, Hardi, Khutar, Rajmilan and other villages and markets of Singrauli (Madhya Pradesh).

- j. restrain the respondents not to dispose/ dump the Fly Ash in Rihand Reservoir, Rihand River, Kachan River, BaliaNala, Kachan Dam, Chilka Lake Shaktinagar, Modwani Lake, ChatkaNala."

The true copy of the aforementioned O.A. No. 276 of 2013 is annexed herewith as **ANNEXURE P-3** (Pages 37 to 60).

12. It is respectfully submitted that the aforementioned O.A.No. 276 of 2013 was disposed-off by this Hon'ble Tribunal vide order dated 06.12.2017, thereby constituting a High Power Committee with the direction to the committee to file a periodical report on every three months regarding the implementation of the recommendations of core committee. A true copy of order dated 06.12.2017 passed by Hon'ble National Green Tribunal, New Delhi in O.A. No. 276 of 2013 is annexed herewith as **ANNEXURE P-4** at (Pages 61 to 66).

13. It is respectfully submitted that in compliance of order dated 06.12.2017, the core committee had filed the report before the Hon'ble National Green Tribunal, New Delhi which was registered as O.A. No. 164 of 2018 titled as "*Ashwani Kumar Dubey Vs. Union of India & Ors*" vide order dated 06.04.2018. A true copy of order dated 06.04.2018 in O.A. No. 164 of 2018 is annexed herewith as **ANNEXURE P-5** at (Pages 67 to 67).

14. It is respectfully submitted that the Industries situated in Singrauli and other nearby region did not complied with the orders passed by this Hon'ble Tribunal despite many opportunities and warnings given by this Hon'ble Tribunal with respect to the disposal of fly ash, bottom ash, toxic residue, industrial/solid waste in Govind Ballabh Pant Sagar "Rihand Reservoir".
15. It is submitted that because of the reasons stated above the Singrauli Region (District- Singrauli, M.P. and District- Sonebhadra, U.P.) is in the critically polluted zone of India as per the Notification Issued by Ministry of Environment, Forest & Climate Change as well as Central Pollution Control Board from time to time. The presence of mercury, fluoride, lead, nickel and other deadly pollutants are in the water, air and soil. The industries operating in that area are fully aware of the situation but willfully and intentionally ignoring this fact and are not taking any preventive measures to stop the pollution.
16. That nearly the dozen of thermal power plants are operating in the region spread across Singrauli and Sonebhadra straddling inter-state boundaries and are actively playing a role for the damage of the environment, flora and fauna, wildlife and lives of the human being as well as their pet animals .

17. That the villagers residing nearby had already informed the concerned authorities regarding the cracks in the ash dyke in the project of Respondent No.1 but unfortunately no action has ever been initiated by the authorities for the safeguard. Accordingly, villagers protested and staged a sit-in for two days outside the project of Respondent No.1 Power Plant and flagged the breach could happen any time to the authorities. The Respondent No.1 after the intervention of administration had given in writing that it won't happen as they have already taken care off. Accordingly, a memorandum of understanding was executed between the district administration, Respondent no.1 and villagers. A true translated copy of memorandum of understanding dated 25.10.2019 are annexed herewith as **ANNEXURE P-6**. (Pages 68 to 74)

18. That the Respondent No.6 i.e. the District Collector on 01.10.2019, 04.10.2019, 22.10.2019, 30.11.2019 and 17.12.2019 had issued Notice to Respondent No.1 (Sasan Ultra Mega power Project) and directed for repair of the cracks of the fly ash dyke but no action had been taken by the Respondent No.1 in this regard.

19. That it is submitted that the toxic residue, ash slurry dumped in the water bodies, drinking wells and agricultural lands of nearby villages, are causing severe damages to the life of the residents of the said area and also raised an

alarming situation for the environment's flora and fauna within the district of Singrauli and Sonebhadra. It is further submitted that the aforesaid act was done knowingly and in a willful manner for nothing, but to satisfy their greed for money and personal mean motives by not utilizing the fly ash as per the Fly Ash Notifications, 2009 Issued by the Ministry of Environment and forests. It is necessary to submit here that the fly ash dyke of Respondent No.1 has reached to its saturated level way back and fly ash was flowing in the Rihand Reservoir and despite the instructions, no preventive measures have been taken by the industry to stop it.

20. That on 11.04.2020 after the breach of the fly ash dyke, a magisterial enquiry was initiated but till date no action has been taken against the guilty officials of the Respondent No.1. The copy of the order dated 11.04.2020 is annexed herewith as **ANNEXURE P-7** (Pages ~~75~~ to ~~77~~).
21. That on 12.04.2020, the District Magistrate vide letter dated 12.04.2020 issued show cause notice to the Respondent No.1 and asked for an explanation as to why the action was not taken to repair the damaged ash dyke. The true, typed and translated copy of the show cause notice dated 12.04.2020 is annexed herewith as **ANNEXURE P-8** (Pages ~~78~~ to ~~80~~).

22. That the applicant filed a representation dated 16.04.2020 before the District Collector, Singrauli and requested to take action, but till date no action is taken. The copy of the representation dated 16.04.2020 is annexed herewith as **ANNEXURE P-9**(Pages . 81).
23. That the Applicant filed complaint before the NHRC .The copy of the complaint dated 29.04.2020 is annexed herewith as **ANNEXURE P-10** (Pages 82 to 83).
24. That all the ash dykes of Respondent No.1 have crossed the saturated level and there is no space to deposit the further fly ash, bottom ash etc. in the ash pond and hence the Respondent No.1 is intentionally and deliberately throwing the generated ash in the Rihand Reservoir. It is submitted that the Respondent No.1 is continuously generating the fly ash etc. without having any ash pond/ash dyke and the generated fly ash, bottom ash, toxic residue and other industrial sewage is being disposed off in the "Nalla"/Drain, which is ultimately travelling to the Rihand reservoir and being dumped in the Reservoir and contaminating the reservoir water.

GROUND

25. Because the Respondent No.1 is disposing the fly ash, toxic residue and industrial waste in the Govind Ballabh Pant Sagar "Rihand Reservoir" and other water bodies of the

area, nearby villages which are damaging the health and life of people living in the area and upcoming generation of Singrauli & Sonbhadra (MP & UP) respectively and not compiling the relevant laws, guidelines and the directions issued from time to time by the concerned ministries, authorities and departments for safety and security measures of surrounding villages and residents living therein.

26. Because on 10.04.2020, the ash dyke of Respondent No.1 Sasan Ultra Mega Power project had breached due to the willful negligent act of power project officials, 6 local persons (including 3 minor children) died and millions of metric tons of fly ash, toxic residue, industrial waste and other hazardous chemicals entered into the Govind Ballabh Pant Sagar "Rihand Reservoir" (only source of drinking water for the people of two districts i.e. Singrauli, Madhya Pradesh and Sonbhadra, Uttar Pradesh). The entire water supply of two districts has been contaminated and is not found suitable either for drinking or for household purposes as per the various reports and survey of scientific research teams.

27. Because due to the aforesaid breach of fly ash dyke of Sasan Ultra Mega Power Plant (Respondent No.1), fly ash destroyed the agricultural land and took lives of 6 innocent villagers (including 3 minor children) and many cattle swept away with the ash slurry in the "Rihand Reservoir".

28. Because due to the collapse of fly ash dyke on 10.04.2020, there has been huge loss to the environment and millions of metric tons of fly ash stored in the dyke has been dumped in the Rihand Reservoir through the "Nalla"/Drain. The damage has been caused to the environment in various contexts viz-a-viz ground water damage, damage to standing crops and the agricultural land have become unfertile.
29. Because the high level of mercury in the air, water and soil is found in Singrauli area which is more than the prescribed limit. The adverse impact of the pollution is visible in the blood, hair, nails, legs, hands and body of the people living in that area.
30. Because the fluoride concentration in the water is found higher than the prescribed limit which are causing tumors, health hazardous such as dental and skeletal fluorosis affecting most of the people of the area and serious health disorders are being reported and most of the villages of that surrounding area suffer from excess fluoride in the drinking water beyond the prescribed limit which is causing affect to the teeth and bones of the villagers.
31. Because due to the negligent act of Respondent No.1, Sasan Ultra Mega Power Project more pollutants and hazards has been added in the water, air and soil. The health of the generations are at stake and various studies

have been conducted which proves that none of the industries operating in the area are not following the prescribed norm leading to severe health issues. Till date, no action has been taken against the responsible person of Sasan Ultra Mega Power Plant (Respondent No.1) for throwing millions of metric tons of fly ash and toxic residue in water bodies on 10.04.2020.

32. Because it is the third such incident in last one year in Singrauli, First the fly ash dyke of Essar Mega Power Plant had breached, thereafter the fly Ash dyke of Vidhyanchal Super Thermal Power Project had breached and now the Ash dyke of Respondent No.1 has breached on 10.04.2020 and the millions of metric tons of fly ash, bottom ash, toxic residue, industrial sewage has been dumped in the Rihand Reservoir due to which the entire water is highly polluted and is found unsafe for drinking. Even the pollution control board and other authorities are negligent and reluctant and do not care about the life of more than 20 lakh people of two districts (Singrauli and Sonebhadra).

33. Because the water of the many villages namely Govindpur, Kusmaha, Kakri, Harrahwa, Khairahi, Naktu, Sirsoti, Chilkadand, Pasavar Raja and Dibulgang, Jaitpur, Jayant, Baliyari, Jubadi, Chandawal, Yogichaura, Bhairawan, Misra, Sasan, Waldhan, Siddhi khurd, Gadhara, Chargoda, Tusa, Ganiyari and many other dozens of villages have already been contaminated and not safe for drinking due to high

fluoride concentration and toxic residue. Not only this, the level of mercury concentration in ground water is found to be exceeding from its prescribed limits in various villages /colonies such as Jayant Colony, Jaitpur, MPCC Colony, Parsawar- Raja, Chilkadand, Kirwani, Parasi, Harrahwa, Naktu, Sirsoti, Kushmaha, Govindpur, Dibulganj and other villages of Singrauli (M.P.) and Sonebhadra (U.P.).

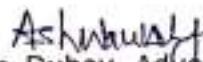
34. Because the people living therein are deprived of their fundamental and legal rights due to such irresponsible behavior of responsible government officials and the heavy industries operating in that area.

PRAYER

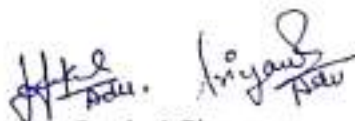
In view of the aforesaid facts and circumstances, it is therefore most respectfully prayed that this Hon'ble Tribunal may kindly be pleased to pass: -

- a. an order/direction to remove the fly ash, bottom ash, toxic residue, industrial/solid waste from the water bodies, villages, drinking wells, agricultural fields and from the Govind Ballabh Pant Sagar "Rihand Reservoir" (Respondent No.2) and direction to stop spreading it in nearby areas.
- b. an order/direction to restore the environment, to pay the compensation/damages to the affected persons and impose the adequate environmental damages for causing pollution in the Singrauli region.

- c. an order/direction thereby cancelling the environmental /statutory clearances and for the closure of Respondent No.1 Industry being polluting industry, for willfully and deliberately throwing the fly ash, bottom ash, toxic residue, sewage etc in the Rihand Reservoir.
- d. order/direction thereby directing the respondents to install the Reverse Osmosis (R.O.) plant of reasonable capacity for providing safe drinking water in the area on the doctrine of "Polluter Pays Principle".
- e. an order/direction to the authorities concerned to formulate the guidelines to secure proper checks and balance with respect of disposal of fly ash, bottom ash, toxic residue and industrial/solid wastes by the industries running in that area.
- f. such other order(s) or direction(s), as this Hon'ble Tribunal may deem fit and proper in facts and circumstances of the present case in order to meet the ends of justice.


(Ashwani Kr. Dubey, Advocate)
Applicant

Through


Pankaj Sharma
Manish Kumar
Priyanka Toppo
Advocates for the Applicant
61-B, Pocket-A, Mayur Vihar, Phase-II,
New Delhi-110091
Mob - 986885012
Ph.91-11-22787061, 45118563
Email: adv.pankaj.s@gmail.com

New Delhi
Dated : 19 June, 2020

ORIGINAL APPLICATION NO. OF 2020

.....Applicant

Sasan Ultra Mega Power Project & Ors.

....Respondents

I, Ashwani Kumar Dubey S/o Late Sh. D.R. Dubey, aged about 41 years R/o. 264-A, Pocket-C, Mayur Vihar Phase-II, Delhi-110091 do hereby solemnly affirm and declare as under:-

1. I state that I am the Applicant in the above mentioned Original Application and am well conversant with the facts and circumstances of the present case, and hence, competent to swear this affidavit.
2. I state that the accompanying Original Application has been drafted by my counsel as per my instructions, the contents of which are true and correct and the same may kindly be read as part and parcel of the present affidavit which are not reproduced herein to avoid repetition.

DEPONENT

VERIFICATION:-

19 JUN 2020

Verified at New Delhi on this 19 of June, 2020, that the contents of para 1 to 2 of the above affidavit are true and correct to my knowledge. No part is false and nothing material has been concealed therefrom.

DEPONENT

ATTESTED

NOTARY PUBLIC

19 JUN 2020



22

ANNEXURE-P-1









पत्रिका

सूर्योदय 06-23 नव + सूर्यास्त 06-08 नव

पत्रिका, साप्ताहिक, 24 अप्रैल, 2020

सूर्योदय 06-23 नव + सूर्यास्त 06-08 नव

पत्रिका, साप्ताहिक, 24 अप्रैल, 2020

सोशल मीडिया पर सवाल, जिम्मेदारों पर कब होगी एफआइआर

सासन पाँवर के अधिकारियों पर कार्रवाई के लिए युवाओं की मुहिम, प्रशासन को घेरा

शासन व प्रशासन ने सहाय्य नहीं है चुपचाप, विस्थापित परिवारों को भी सहाय्य नहीं है। युवाओं की मुहिम, प्रशासन को घेरा



सोशल साइट पर मिले कुछ इस तरह के कमेंट

- 1. 6 अप्रैल को सोशल मीडिया पर सासन पाँवर के अधिकारियों के खिलाफ एक कमेंट पोस्ट किया गया था।
- 2. सोशल मीडिया पर सासन पाँवर के अधिकारियों के खिलाफ एक कमेंट पोस्ट किया गया था।
- 3. सोशल मीडिया पर सासन पाँवर के अधिकारियों के खिलाफ एक कमेंट पोस्ट किया गया था।
- 4. सोशल मीडिया पर सासन पाँवर के अधिकारियों के खिलाफ एक कमेंट पोस्ट किया गया था।

14वें दिन भी चुपचाप

इस घटना से एक सप्ताह गुजर चुका है। सोशल मीडिया पर सासन पाँवर के अधिकारियों के खिलाफ एक कमेंट पोस्ट किया गया था। सोशल मीडिया पर सासन पाँवर के अधिकारियों के खिलाफ एक कमेंट पोस्ट किया गया था। सोशल मीडिया पर सासन पाँवर के अधिकारियों के खिलाफ एक कमेंट पोस्ट किया गया था।

राख के मलबे में मिले 2 मासूमों के शव

मिलान्यस सासन पावर का एंश डेम हादसा, अब भी पोलीस का ऑपरटर है लापता

मिलान्यस सासन पावर का एंश डेम हादसा, अब भी पोलीस का ऑपरटर है लापता



मिलान्यस सासन पावर का एंश डेम हादसा, अब भी पोलीस का ऑपरटर है लापता

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राख में जहरीले हुए पानी की हानि संपर्कित

मिलान्यस सासन पावर का एंश डेम हादसा, अब भी पोलीस का ऑपरटर है लापता

मिलान्यस सासन पावर का एंश डेम हादसा, अब भी पोलीस का ऑपरटर है लापता

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मिलान्यस सासन पावर का एंश डेम हादसा, अब भी पोलीस का ऑपरटर है लापता



रिलायंस की विनाशलीला

जमीन, पानी और सांसों में भर दिया जहर

सिंगरौली में जहर के प्रभाव से निपटने के लिए सरकार को चुनौती का सामना करना पड़ेगा, जमीन, पानी और सांसों में भर दिया जहर

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लौक प्रगड़हे पर अब तक छामोशी

60 घंटे बाद भी लापता लोगों और आरोपियों का सुराग नहीं, मजिस्ट्रियल जांच 45 दिन में पूरी करने निर्देश मगर अब तक एफआईआर नहीं।

सिंगरौली में जहर के प्रभाव से निपटने के लिए सरकार को चुनौती का सामना करना पड़ेगा, जमीन, पानी और सांसों में भर दिया जहर

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2 Dead, 5 Missing After Ash Leak From Reliance Power Plant In Madhya Pradesh



by Siya Bhatia 2 months ago

Two villagers – a 35-year-old man and an eight-year-old boy – have died and five are missing after a breach in an artificial pond that stores toxic residue from a coal power plant run by Reliance Power in Madhya Pradesh's Singrauli on April 10.



It is the world's largest integrated power generation and coal mining project, and Reliance Power's flagship project. The project comprised of six units of 660 MW each.

Fly ash is a powdery byproduct of burning pulverized coal while an **ash** pond is an engineered structure used at fossil fuel power stations.





Mongabay Series: Environment And Health

Fly ash slurry in Singrauli contaminates water reservoir after taking lives and homes

by Anup Dutta on 29 April 2020



- Earlier this month a breach in the fly ash dyke of a Reliance Power-owned thermal power plant in Madhya Pradesh's Singrauli region led to fly ash slurry entering nearby agricultural fields and villages, resulting in the death of six people.
- Though the authorities have initiated action against the plant, experts and the local administration note that it was a disaster waiting to happen due to continued violations by the Sasan project. It is the third incident of ash dyke breach in Singrauli in the past one year.
- Environmentalists point out that the latest ash breach in Singrauli has contaminated the region's biggest water reservoir and could lead to further catastrophe.
- Madhya Pradesh is among the top five in India in terms of fly ash generation and in bottom five in terms of fly ash utilisation.

Sasan UMPP's ash dump yard collapses in Madhya Pradesh

Five villagers and a worker at the site owned by Reliance Power were swept up in a flow of fly ash which travelled at least six kilometres, swallowing up whole agricultural fields along the way. Fly ash is a powdery byproduct of burning pulverised coal.

ET Bureau | Last Updated: Apr 10, 2020, 11:13 PM IST



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Comments

A+



Save

Dell Precision - Work at the speed of thought



Dell India



Representative Image

NEW DELHI: [Reliance Power](#) NSE 3.70 % on Friday said a breakage in ash dump yard wall at Sasan ultra mega power project in [Madhya Pradesh](#) pushed water from nearby reservoir and swept away nearby houses.

Sources in Madhya Pradesh said atleast six people went missing after the incident. The project is located in [Singrauli](#).

"The break in ash dump yard wall pushed the water leading to break in the boundary wall affecting some thatched houses and minor land parcel," a Reliance Power statement said.

The company said it is investigating the reasons underlying the incident. Power Plant operations continue as the relief and restoration work is not affected by the same, it said.

Third ash-pond disaster in Singrauli in one year

The CPCB has asked Madhya Pradesh Pollution Control Board (MPPCB) to investigate the incident that allegedly damaged large tracts of agricultural land and killed two villagers. Four other villagers are still missing.

INDIA Updated: Apr 11, 2020 10:46:57

 (Jayashree Nandi)
Hindustan Times, New Delhi



These successive incidents ring a warning bell for Singrauli, said experts. (Sourced)

The ash dyke breach on Friday at Sasan Ultra Mega Power Plant in Madhya Pradesh's (MP) Singrauli is the third ash pond disaster in a year in the district, which is a "severely polluted" area as per the Central Pollution Control Board's (CPCB) assessment.

The CPCB has asked Madhya Pradesh Pollution Control Board (MPPCB) to investigate the incident that allegedly damaged large tracts of agricultural land and killed two villagers. Four other villagers are still missing.

ENVIRONMENTAL POLLUTION

MP: Two dead, four missing after dyke of Reliance power plant's fly ash pond breaches in Singrauli

The breach led to toxic spillage on several acres of agricultural fields.



Fly ash flowing from a Reliance power plant in Singrauli district of Madhya Pradesh on Friday. | [Sunil Dahiya/Twitter](#)

Two villagers died and four were missing after a fly ash dyke of [Reliance's power plant in Singrauli](#) district of Madhya Pradesh was breached on Friday, NDTV reported. The breach at the coal-based plant caused spillage on several acres of agricultural fields and is the [third such incident of ash leak](#) in the last one year in Singrauli.

A team of 30 members of the National Disaster Response Force is involved in the search operation for other villagers. "So far two bodies of an eight-year-old boy and a 35-year-old man have been recovered from the ash slurry, around seven km away towards the border with Uttar Pradesh," Singrauli District Collector KVS Chaudhary said. "Four more persons including the boy's sister, 9, his mother, and the 35-year-three-year-old man's son are still missing."

Ignored warnings led to fly-ash dyke collapse: Govt

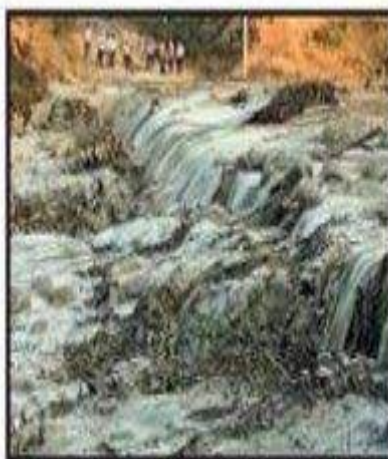
Update

2 Bodies Found, 4 Victims Missing

TIMES NEWS NETWORK

Bhopal: Two bodies have been recovered, including that of an eight-year-old child, and four persons are still missing after the fly-ash dyke of Sasan Ultra Mega Power Project (UMPP) in MP's Singrauli collapsed on Friday evening.

District collector KVS Chowdhary ordered a magisterial probe on Saturday. A press note issued by the administration said the power plant was warned four times between October and December 2019 about



A flood of ash slurry swept through Harhawa region

the dyke but in vain.

"The collector's office had issued showcause notices to Sasan Power regarding its ash dyke on October 4, 2019, October 22, 2019, November 30, 2019 and December 17, 2019, but no action was taken by the administration of Sasan power, which led to this incident. Appropriate ac-

tion will be taken against the officials responsible," it says.

Rescuers are desperately looking for two more children, including a toddler, and two men in the ash slurry that now cakes a large part of Harhawa region, about 30km from Singrauli town and 700km east of Bhopal.

The bodies of Dinesh Kumar of Bhamora village and eight-year-old Abhishek Kumar Shah of Siddhikalan were found on Saturday morning, said Singrauli SP Tushar Kant Vidyarthi, who has been camping in the village with rescue teams since the previous evening.

► Continued on P 4

Annexure - P-3,

37

BEFORE THE NATIONAL GREEN TRIBUNAL (PRINCIPAL BENCH),
NEW DELHI

MEMORANDUM OF APPLICATION

[Under section 18(1) read with sections 14, 15, 16 & 17 of
the National Green Tribunal Act, 2010]

APPLICATION NO. 276 OF 2013

BETWEEN:

Ashwani Kumar Dubey
S/o. Late Sh. D.R. Dubey,
R/o- 264A, Pocket -C,
Mayur Vihar, Phase- II,
New Delhi-110092

.....Applicant

VERSUS

1. Union of India
Ministry of Environment and Forests
Paryavaran Bhawan,
CGO Complex, Lodhi Road,
New Delhi-110 003.
Through its Chairman/ Secretary
2. Central Pollution Control Board
Parivesh Bhawan
CBD-Cum Office Complex,
East Arjun Nagar,
Delhi-110 032
Through its Chairman
3. State of Madhya Pradesh
Department of Environment
E-5, Arera Colony, Paryavaran Parisar,
Bhopal - 462 016,
Madhya Pradesh
Through its Principal Secretary (Environment)
4. Madhya Pradesh Pollution Control Board
E-5, Arera Colony, Paryavaran Parisar,
Bhopal - 462 016,
Madhya Pradesh
Through its Chairman/ Secretary
5. Madhya Pradesh Forest Department,
Satpura Bhawan, Bhopal-462016
Madhya Pradesh
Through its Principal chief Conservator
6. State of Uttar Pradesh,
Room No. 601, Bapu Bhawan,
Secretariat, Vidhan Sabha Marg,
Lucknow- 226 001,
Uttar Pradesh
Through its Principal Secretary

276

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7. Uttar Pradesh Pollution Control Board
PICUP Bhawan, III Floor,
Vibhuti Khand, Gomti Nagar,
Lucknow- 226 016,
Uttar Pradesh
Through its Chairman/ Secretary
8. District Collector Singrauli
Collectorate Compound, Waldhan-486886
District- Singrauli,
Madhya Pradesh
9. District Collector Sonebhadra
Collectorate Compound, Robertsganj,
District- Sonebhadra, - 231216
Uttar Pradesh
10. Vindhya Super Thermal Power Station
P.O- Vindhya Nagar, District- Singrauli,
Madhya Pradesh - 486885
Through its General Manager
11. Rihand Super Thermal Power Station
P.O-Rihand Nagar, District- Sonebhadra,
Uttar Pradesh - 231223
Through its General Manager
12. Singrauli Super Thermal Power Station
P.O- Shaktinagar, District- Sonebhadra,
Uttar Pradesh - 231222
Through its General Manager
13. Mahan Coal Limited
489, Parihar House, Majankhurd,
Majan More, Waldhan-486886
P.O.- Kachni,
Distt.- Singrauli
Madhya Pradesh
Through its CEO
14. Essar Power Limited
27th KM, Surat,
Hazira Road - 394 270,
Gujarat
Through its CEO

ALSO AT:-

M.P. Essar Power Limited
Village- Bandhaura, (Waldhan),
District - Singrauli, - 486886
Madhya Pradesh
Through its CEO

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15. Hindalco Industries Limited
Century Bhawan,
3RD Floor, Annie Besant Road,
Worli, Mumbai- 400 025,
Maharashtra
Through its CEO

ALSO AT:-

Hindalco Industries Limited
Bargawan, District Singrauli,
Madhya Pradesh - 486886
Through its CEO

16. Hindalco Industries Power Division Renuagar
P.O.- Renuagar- 231 218
District- Sonebhadra,
Uttar Pradesh
Through its CEO
17. Sasan Ultra Mega power Limited
Waldhan- 486 886,
District- Singrauli,
Madhya Pradesh
Through its CEO
18. Kanoria Chemicals and Industries Power Division,
District- Renukoot
Uttar Pradesh - 231217
Through its CEO
19. Obra Thermal Power Station
U.P. Rajya Vidyut Utpadan Nigam Ltd.
P.O.- Obra, District- Sonebhadra,
Uttar Pradesh - 231219
Through its General Manager
20. Anpara Thermal Power Station
U.P. Rajya Vidyut Utpadan Nigam Ltd.
P.O.- Anpara, District- Mirzapur- 231 225
Uttar Pradesh
Through its General Manager
21. Hindalco Industries Limited Renukoot Plant
Renukoot Road, Renukoot- 231 217
Uttar Pradesh
Through its General Manager
22. Hi- Tech Carbon Renukoot Plant
Murdhawa Industrial Area,
P.O.- Renukoot, District- Sonebhadra- 231 217
Uttar Pradesh
Through its CEO

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23. Dalla Cement Factory
P.O.- Dalla, District- Sonbhadra- 231 207
Uttar Pradesh
Through its CEO

24. Orient Micro Abrasives Limited Renukoot
Village- Labhari, Vikas Nagar,
P.O.- Bairpan Pipri,
Shakti Nagar Road, Renukoot- 231 217
Uttar Pradesh
Through its CEO

...Respondents

1. The address of the applicant's counsel is given below for the service of notices of this application.
2. The addresses of the respondents are given above for the service of notices of this application.
3. The application pertains to the implementation of the enactments specified in Schedule-I of the National Green Tribunal Act, 2010.

MOST RESPECTFULLY SHOWETH :

1. That the present application is being filed under Section 18(1) read with Section 14 of National Green Tribunal Act, 2010 (for short NGT Act) on behalf of the Applicant. The applicant by profession is a Lawyer and Advocate-on-Record, practicing in Supreme Court of India and is also a Member of District Environment Committee District Singrauli, Madhya Pradesh. The Applicant basically belongs to village Bihra, P.S.- Waldhan which is situated in District Singrauli, Madhya Pradesh and therefore he is well known about the area and also aware about the facts and circumstances related to that region and also regions adjacent thereto. The main concern of the applicant herein is that the rapid development of Power and Coal Industries in the city and area adjacent thereto has resulted into acute air, water and noise pollution which is causing serious health problems to the residents of the locality. The Applicant thereafter seeking kind indulgence of this Hon'ble Tribunal by way of this present application in the interest of Public at large and to safeguard the

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Environment, Wildlife, human habitats and the people residing nearby the areas covered under Critically Polluted Zone.

BRIEF FACTS OF THE CASE :

1. That the brief facts of the present application is that Ministry of Environment and Forests, Govt. of India on 13.01.2010 declared Singrauli as *Critically Polluted Industrial Area/Cluster* on the basis of the Comprehensive Environmental Polluted Index (CEPI). A true copy of the Comprehensive Environmental Polluted Index Report is annexed hereto as **ANNEXURE -A-1**.
2. That total area of District Singrauli, Madhya Pradesh is 5672 Square Kilometer. The Singrauli Area consists of north east area of Madhya Pradesh and southern part of Sonebhadra District Uttar Pradesh. It is emerging as energy hub of India and is known as "Energy Capital", due to availability of coal and water. At present approx. 12000 MW/day power is being generated by the Thermal Power Plants in Singrauli (M.P.) and Sonebhadra (U.P.). The aforesaid entire area has been declared as critically polluted by the discharge of mercury beyond prescribed limit and disposal of Fly Ash and transportation of coal by trucks from coal linkage by the respondent industries.
3. That Coal Mines and Super Thermal Power Plants situated in the area namely Respondent No. 10 to 12 and 16 to 22 in Singrauli and Sonebhadra, produces 83 million tonnes per annum of coal and 13,200 million watts of thermal power and are responsible for 16% and/ or 10 tonnes per annum of total mercury pollution through power generation i.e. 720 Kilograms of mercury per year. In the entire Singrauli region (Madhya Pradesh & Uttar Pradesh) number of Thermal Power Plants are running such as NTPC- Vindhyachal Super Thermal Power Station, Hindalco Industries Power Division Renukoot, Kanoria Chemicals and Industries (Power Division) Renukoot,

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NTPC Rihand Nagar, NTPC Shakti Nagar, Obra Thermal Power Station Unit-A and Unit-B, Anpara Thermal Power Station- A, B and C, Hindalco Industries Limited Renukoot, Hi-Tech Carbon Renukoot, Aditya Birla Chemicals Industries, Dalla Cement Dalla, Dalla Cement (Bhalua, Jugal and Padarach Mines), Orient Micro Abrasives Limited, Renukoot and creating acute pollution and destroyed and continuously destroying the environment in the area which has been also spreaded in Singrauli region/area.

4. The regions mentioned above are getting polluted day after day due to the activities performed by the running Industries for their projects or for their proposed projects without taking care of the environmental impact and also without caring about the serious health problems high risk to the life caused to the public at large.

MERCURY:

5. That the Industries of respondent nos.10 to 12 and 16 to 24 are discharging mercury much more beyond the prescribed limits and are polluting the environment resulting serious threat to lives of peoples and animals of the area.
6. That Mercury is one of the natural and perhaps the most harmful components of coal. During combustion at temperature above 1100°C it vapourises. Given the large quantity of coal burned in thermal plants, considerable amount of mercury is released into the atmosphere. Some of it cools down and condenses while passing through the plant's boiler and air pollution control system and enters the environment through soil and water. It also enters the environment through run-off from coal mines. In humans, mercury can cause several chronic diseases and death. Mercury is the most neuro toxic element known to man and its presence magnifies as one goes up to the food chain. Its presence in humans lead to skin discolouration, muscular

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weakness, skin diseases, depression, respiratory diseases, infertility, lung cancer, tuberculosis and kidney problems.

7. That as per the Black Smith Institute Report and United Nations Environment Programme report that mercury levels in the blood and hair of tested Singrauli residents are higher than normal. Exposure to sufficiently high levels of mercury can cause permanent damage to the nervous system and brain, kidneys and developing fetus. The health effects from exposure to Fly Ash rays from permanent respiratory disorder, aggravation of ailments like asthma, bronchitis and even lung cancer due to prolonged inhalation. The true copy of the Black Smith Institute Report taken from the website of Black Smith Institute is annexed herewith as ANNEXURE -A-2.

8. That "Centre for Science and Environment", prepared a study report on Mercury pollution and its health impacts and concludes that most of the drinking water samples were not found to be suitable for drinking. Residents of the area showed adverse health effects such as Skeletal fluorosis which is one of the fluoride toxicity symptoms. And it is thus clear that the residents of the Singrauli (Madhya Pradesh and Uttar Pradesh) regions were examined and were showed adverse health conditions suffering from the effects of the Mercury Poisoning as the region is heavily polluted by mercury. Likely cause of the Mercury pollution in the area is burning of huge amount of Coal for Power generation. The high level of discharge of mercury resulting the soil, water, fish, human hair, blood and nails have been badly affected and survival of the peoples and fish etc. have become tough and life's are not safe in accordance to a study conducted by the Centre for Science and Environment, Delhi. A true copy of report on Mercury pollution by "Centre for Science and Environment" is annexed herewith as ANNEXURE -A-3.

9. That the State Government's have also established that the population of Singrauli is more prone to acute illnesses as

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compared to that of the rest of the state. According to the annual health survey of 2010-11, two and a half times more cases of diarrhea, dysentery and respiratory infections are detected and maximum the maximum number of chronic illnesses, such as diabetes, hypertension, tuberculosis, asthma and arthritis are also detected in the area.

10. That it is submitted that the Singrauli peoples are poor and the entire region is highly polluted as declared by Environment Ministry that Singrauli is the Countries 9th most critically polluted area. Centre For Science and Environment after investigation found that mercury, a deadly toxicant coal is slowly entering people homes, food, water and even blood and highly dangerous to the life of peoples and animals. The detailed survey report by author Sugandh Juneja dated 31.10.2012 published on, down to earth publication (<http://www.downtoearth.org.in>) which is annexed as **ANNEXURE- A-4** also establishes the drinking water, surface water, effluent, soil, fish, cereals have been badly polluted by the coal industries situated therein. The entire region has been exploited by the industries and plants by all the respondent Companies no. 10 to 12 and 16 to 24 who are not taking proper devices to minimize and control the pollution resulting the inhabitants of the area are suffering from various diseases as stated herein above.
11. That the Singrauli region are witness to multiple health problems like people often complain of respiratory ailments, tuberculosis, lung cancer, kidney problems, skin diseases, polio, joint pains, skin discolouration, muscular weakness, depression, reduced vision and many instances where they experience a sudden drop in energy and ability to carry out normal activities. Given the thick history of industrial activity in the region, it isn't always possible to attribute the increase of ill-health to one operation over another, but people's testimonies and medical reports are important parameters to find these linkages. The Railway Line carrying coal from coal linkage into NTPC's thermal power plant and as such polluting

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air, water, atmosphere and noise beyond acceptable parameters.

12. That as per various surveys and laboratory tests it has been found that in the blood of Singraullians the highest concentration of mercury was found to be 113.48 ppb which ranges from 26.23 ppb to 113.48 ppb in men and 10.31 ppb to 78.68 ppb in women whereas safe limit of 5.8 ppb set by the United States of Environment Protection Agency (USEPA).
13. That it is thus clear that the residents of the Singrauli region were examined and were showing adverse health conditions due to suffering from the effects of mercury poisoning as the region is heavily polluted by mercury which is being discharged beyond prescribed limit by above said respondents.

FLY ASH:

14. That apart from the discharge of mercury by the Thermal Power/ Industries situated in Singrauli area and nearby in Sonbhadra the pollution is further being created by Fly Ash stored by the respondent companies are also creating high pollution as there is no proper system for removal and or shifting the fly ash in such a manner so that the pollution can be saved rather the fly ash are being thrown in the rivers, ponds, canals etc.
15. That the respondents are not following the rules and regulations in respect of using/removing Fly Ash in accordance with the rules and the industries in utter violation of the rules in respect of disposal of Fly Ash and are disposing the Fly Ash into the Rihand Dam, which has a catchment area in excess of 5,000 Square kilometers and due to these major Rivers, Lakes, ponds etc. in the above said regions such as Rihand Reservoir, Rihand River, Kachan River, Balla Nala, Kachan Dam, Chilka Lake Shaktinagar, Madwani Lake, Chatka Nala are being polluted and the water cannot be used for human / animal consumption.

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16. That the Fly Ash which have been dumped/disposed in the aforesaid river etc. the outcome of the same reaches to the wells situated in village Telgawan, Zubadi, Chandawal, Judi, Khadia, Yogichaura, Bhalrwan Mishra village, Koherawal, Ghadsadi, Chandaur and the water of these wells have been badly polluted and cannot be consumed by the human beings and animals even the said water is not useful for taking bath or washing clothes etc.
17. That discharge of Fly Ash from the respondent industries resulted in polluting the environment much more beyond the prescribed limit causing losses to the health and life of the public at large/animals. The exposer/ disposal of Fly Ash has also polluted the air and the people of the area cannot breath fresh air.

TRANSPORTATION OF COAL BY TRUCKS FROM COAL LINKAGE:

18. That further to the aforesaid It is submitted that the transportation of coal by road by the respondents by heavy Trucks from Coal linkage to their plants passes through about 100 Kilometers from and inside the road of villages namely Majan More, Kachni, Telal, Persouna, Hardi, Khutan, Rajmian and other villages and markets. The Coal Loaded Trucks about 300 to 400 passes through out day and night from the road of the aforesaid villages and markets resulted heavy noises and air pollution and coal from the Trucks uses to come down on road and by uncontrolled speed of the Trucks resulted many casualties of the area and number of persons died in the accidents.
19. That the respondents are not entitled to use the road which passes between and by the thickly populated villages and market for transporting the coal and much less respondent no.14 ESSAR Group executed and given an undertaking to the District Magistrate Singrauli that the roads will not be used for

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the purpose of transportation of coal and despite of the aforesaid undertaking the respondent no.14 aforesaid and others are using the aforesaid roads for transportation of coal resulting heavy pollution and risk to the lives of the peoples /animals residing therein.

DESPITE OF ACUTE POLLUTION ENDANGERING THE LIVES OF SINGRAULIANS THE NEW INDUSTRIES ARE BEING SET UP.

20. That despite of the fact that the entire Singrauli area is burning and dying due to the acute pollution created by the respondent industries by way of discharging mercury and Arsenic chemicals, disposal of Fly Ash in rivers, ponds, canals etc. polluting the drinking water and illegal transportation of coal from coal linkage by trucks. The respondent nos. 13, 14 and 15 i.e. Mahan Coal Limited a joint venture of respondent no.14 and 15 approached to Govt. of India for allotment thousands of hectares of densed forest land for setting up their thermal plants.
21. That in respect of allocation of the land in Singrauli area in densed forest Sh. Jairam Ramesh, the then Minister Environment & Forests met with Sh. Shashi Rula, Director Essar Power Ltd. and explained to Sh. Shashi Rula with the help of detailed maps that the Mahan coal-block is in a "No Go Area" and it cannot be cleared because it will involve the destruction of high density forest land and will also destroy critical Wildlife corridors and habitats. A true and typed copy of letter dated 13.05.2010 is annexed herewith as **ANNEXURE- A-5.**
22. That the then Environment Minister Sh. Jairam Ramesh denied permission for Stage-I clearance to Mahan Coal Block in Singrauli in Madhya Pradesh to Essar Power Limited and Hindalco Industries Limited on the grounds that:

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- a) *The coal block is undoubtedly in a biodiversity-rich area. It will destroy good natural forest cover and interfere with wildlife habitats.*
- b) *Clearing this coal-block would open the doors for allowing other coal-blocks to be mined, albeit those that have already been allocated in 2006 or 2007. This would fragment an area very rich in forest cover-both in terms of quantity and quality.*
- c) *The power plants don't have the redeeming feature of being super critical units that generate 5-8 % lesser emissions of carbon dioxide. Essar's plants are sub-critical 600 Mw units and Hindalco's are sub-critical 125 Mw units.*
- d) *The Forest Advisory Committee (FAC) has not given it clearance since 2008 even before the "Go/No-Go" issue gained prominence.*

A true and typed copy of the letter dated 08.07.2011 is annexed herewith as ANNEXURE- A-6.

23. That thereafter Sh. Jairam Ramesh the then Environment and Forest Minister wrote to the Hon'ble Prime Minister Sh. Manmohan Singh that the proposal for Forestry Clearance was first received by the Ministry of Environment and Forests on 8th January, 2008 and it was considered so many times by the forest Advisory Committee (FAC) on 23rd July, 2008, 10th October, 2008, 20th July, 2009 and on 12th December, 2009. The main reason of taking time is that the proposal involves diversion of 1182.35 hectares of dense forest land. The area has dense vegetation and very good biodiversity as well. A true and typed copy of letter dated 17.03.2010 is annexed herewith as ANNEXURE- A-7.

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24. That thereafter Sub-Committee of Forest Advisory Committee submitted the report of site inspection of Mahan Coal Block and observed that the committee considered the view that the permission to divert forest land be withheld owing to the quality of the forest in terms of tree density as well as the implications for hydrological cycles and soil loss as well as adverse impact on biodiversity. There are also serious shortcomings in the settlement of rights under the FRA, 2006. A true and typed copy of the report of sub-committee Forest Advisory Committee is annexed herewith as **ANNEXURE-A-8.**
25. That despite of the aforesaid facts the Union Minister of Coal on 12th April, 2006 allocated Mahan Coal block to Mahan Coal Ltd. Respondent No.13 a joint venture of respondent no.14 and 15 i.e. Essar Power Ltd and Hindalco Industries Ltd. for captive use of coal mining for generation of power without bothering the serious and acute environmental problems which are being faced by the public at large in the Singrauli region and nearby. By allocating the aforesaid Mahan Coal Block to the aforesaid region has further become a serious threat to the environment.
26. That the Mahan Coal Ltd., i.e. Respondent No.13 with Joint Venture Essar Power Ltd. and Hindalco Industries Ltd. Respondent No.14 & 15, till date has not got the complete license/clearance from the Ministry of Environment and Forests i.e. Forestry Clearance Licence as well as not received any clearance from the M.P. Pollution Control Board and Central Pollution Control Board and despite of this has started setting up their plants and activities relating thereto.
27. That despite of the aforesaid facts that the Singrauli area is facing acute pollution in environment and the health and life of the residents of the area are deteriorating day by day and ignoring the aforesaid problem the stage-I clearance has been accorded by the Ministry of Coal to Mahan Coal Limited i.e. respondent no.13 with certain conditions.
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28. That the respondent no.13 Mahan Coal Limited joint venture with respondent no.14 and 15 are not complying the conditions as laid down in Stage -I clearance and without obtaining the prior permission/consent/clearance from the concerned authorities has started their work and creating/aiding further pollution in environment.
29. That Singrauli is a highly dense forest area and per square meter 8 to 10 trees are existing there and in accordance with law if there are 5 trees per square meter the same cannot be allowed/permitted to cut or removed but in the case of the Mahan Coal i.e. respondent no.13 permission has been granted to cut and remove the trees and as such there will be felling /cutting of 10 lacs and above trees from the dense forest area which will further affect the environment and wild life.
30. That the forest area which has been allotted to Mahan Coal respondent no. 13, 14 and 15 is well known to wild life, elephant path and the area is known as tiger and bear prone area.
31. That forest clearance has been awarded to the respondent no.13, 14 & 15 to fell down the aforesaid tree and in lieu thereof alternative land has been given to them in District Sagar, Madhya Pradesh which is at a distance of more than 500 kilometers from Singrauli for compensatory afforestation. This permission is also bad in law and fact and if permitted to continue the compensatory afforestation will not help to the Singrauli region.
32. That on 05.07.2009 a huge explosion occurred in two of the explosives plants namely Rajasthan Explosives and Chemicals Ltd. and Ideal Industrial Explosives Ltd., situated at Industrial area, Waldhan, due to that many people were died and injured, workers, villagers and people residing nearby are affected for very long duration therefore, all the bulk

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explosives manufacturing plants situated at Industrial area Waldhan were temporarily closed down by the order of Industrial Health and Safety Department, Madhya Pradesh Government, District Administration, Singrauli and Chief Controller of Explosives in view of public safety however now again has been allowed to run in residentially close are for the reasons best known to the authorities. In view of the abovesaid it is better to protect the life of the people before any damage is caused.

33. That Madhya Pradesh Pollution Control Board and District Collector Singrauli have conducted ariel survey of the area. And thereafter, to cover up the fault certain directions are issued from time to time to the industries for implementation of environmental laws according to Environment Protection Act, 1986 where ever violations are observed, but all the directions and instructions given by the Madhya Pradesh Pollution Control Board and District Collector Singrauli are only on papers and always flouted by the Industries or the concern departments and infact never been complied. Nothing could be done on ground level for environmental protection.
34. That the applicant being a member of District Environment Committee District- Singrauli states that the action plans related to environmental pollution was only on papers and there was no such meeting are conducted to resolve the problem of pollution of the area. A true and translated copy of order of appointment dated 25.11.2011 is annexed herewith as **ANNEXURE- A-9.**
35. That the applicants submits that the consistence and serious efforts are needed by the concerned authorities to implement the statutory provisions as contained in the various environmental legislations and stopping the respondent no.10 to 24 for committing the breach of law, and creating acute pollution causing great threat to the life of the residents of the area.

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36. That entire Singrauli area has become hell to the life of the peoples and animals and leaving aside the care to the lives, thermal power plants are in a rush to acquire land/coal mines there by hook or by crook and Mahan Coal Ltd. a joint venture of Essar and Hindalco have acquired more than thousands of hectare forest land that fell under the environment ministries **No-Go Zone** and the same has been recently cleared for mining by Group of Ministers keeping aside the fact that by granting permission to the Mahan Coal Field Ltd. the environment pollution will be further increased to highly polluted area and it may reach to the top in the world.
37. That the expert committee on the Environmental problems vide its report dated 10.01.2012 categorically observed and reported that due to stone crushers and related activities in Sonebhadra District, observed that a large number of stone crushers are working in the Dala area leading to large-scale stone mining and queries due to which the entire environment was getting polluted, and also posing severe health hazards to the workers engaged and the people living nearby. The visit of Member NCPCR strongly recommended to Central Pollution Control Board (CPCB) to constitute a Committee to look into the matter and suggest measures to prevent the pollution affecting the human health however no such action to prevent the pollution has been taken so far. A true copy of report of expert committee is annexed herewith as **ANNEXURE- A-10.**
38. That it is submitted that despite of the aforesaid report the Central Pollution Control Board Respondent No.2 has not constituted a committee as advised which reveals that how the Pollution Board is working and not putting any check and restrictions upon the respondent industries to control and minimize the pollution from adopting modern techniques and devices.

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39. That the Union Tribal Affairs Minister Sh. V. Kishore Chandra Deo raised his voice against violation of Forest Rights Act in Singrauli district while granting forest clearance to Mahan coal block. A true and typed copy of Indian express newspaper dated 18.07.2013 is annexed herewith as ANNEXURE-A-11.
40. That the report of case study of mercury pollution in Singrauli 'Urjanchal' conducted by People Science Institute, Dehradun in respect of Mercury contents found in the blood and hair samples and analysis of water for mercury and analysis of gaseous and particulate mercury in air alongwith report published in newspaper in Times of India dated 20.10.2012 showing the mercury pollution in Sonbhadra is six times more than the permissible unit and the report about the frightening level of mercury due to Thermal Power Plants, Coal Mines and Chemical Factory as published in the newspaper 'The Hindu' dated 20.10.2012 are annexed herewith as ANNEXURE-A-12 (Colly).
41. That due to the discharge of Black Smoke from the respondent Industries the visibility in evening in the area of Singrauli becomes so smoky and the residents suffers from the problem of burning of eyes etc., and breathing problem. After a detailed study and scientific datas the Green Peace Organization has prepared a fact finding report on the impact of Coal Mining on the people of Singrauli. The relevant part of the report of fact finding of Green Peace Organization is annexed herewith as ANNEXURE-A-13.
42. That the present application raises substantial questions relating to environment which arise out of the implementation of the alleged licence issued by Ministry of Environment and Implementation of enactments. The applicant in these circumstances seeks restitution of the environment of the area in issue on following grounds amongst others:-

GROUND

1. BECAUSE the High Pollution Level is adversely affecting the health and life of the residents of the Singrauli and the areas adjacent thereto and is in violation of the Right To Life under Article 21 of the Constitution of India.
2. BECAUSE the State functionaries has not taken any proper care towards the environmental effect upon the residents of the Singrauli area which is admittedly a highly polluted zone and has

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been held by various environmental assessment authorities that the residents of the area are ailing from various serious diseases such as skin discolouration, muscular weakness, skin diseases, depression, respiratory diseases, infertility, lung cancer, tuberculosis and kidney problems due to the air, water and noise pollution and due to mercury on coal burning by respondent no.10 to 12 and 16 to 24.

3. BECAUSE the respondent no.10 to 12 and 16 to 24 in utter violation of law are storing and dumping the FLY Ash in open area much beyond the prescribed limit and are disposing the same in Rihand river, canals, ponds etc. resulting the water has become polluted and not fit for human and/or animal consumption and highly dangerous and also serious threat to the life of residents of the area.
4. BECAUSE by disposing the FLY ASH by the respondent Industries in rivers, dams, ponds and canals it passes underground water level to the wells situated in villages and the water of wells have also become highly polluted and not fit for human/ animal consumption even the said water cannot be used for bathing and washing the clothes.
5. BECAUSE the respondent industries no. 13, 14 and 15 are illegally transporting the coal through heavy overloaded trucks and using the roads which passes between and side by thickly populated villages and markets and about 250-300 trucks passes creating high noise, felling the coal on road and occurring fatal accidents which causes many deaths.
6. BECAUSE respondent no 13, 14 & 15 on the garb of illegal Stage-I clearance are in hurry and threatening to cut/remove about and more than One lacs trees standing in the densed forest which will further great threat to destroy/ruin the environment.
7. BECAUSE the respondent no.13 in collusion with respondent no. 14 & 15 without getting the clearance for starting the project from the concerned authorities such as the Ministry of Environment and Forests, Pollution Control Board, and Central Pollution Control Board and in utter violation of the law and without bothering to the health and life of the residents of the area has started establishing their projects and also planning to cut the green trees which will be highly prejudicial to the impact of the environment.

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8. BECAUSE in all the environmental elements there is reliable evidence of adverse impact on the Eco-Geological Features.
9. BECAUSE the issue of Air, Water, Noise pollution is an issue of serious concern and its impact are frequently undermined by the Govt. and its instrumentalities. The Hon'ble Supreme Court in M.C. Mehta VS. Union of India (2002) 4SCC 356 has observed that the continue air pollution is having more devastating effect on the people that what was caused by the Bhopal Gas Tragedy. The Hon'ble Apex Court further observed that the Bhopal Gas Tragedy was a one time event which hopefully will not be repeated but here with not enough concerned or action being undertaken by the Union of India far greater tragedies in the form of degradation of public health are taking place every day.
10. BECAUSE the Hon'ble Supreme Court further in M.C. Mehta Vs. Union of India 2003(5) SCC 376 has held that liberty of an individual which is so dear to every citizen of this country must necessarily be balanced with his duties and obligations towards his fellow citizens.
11. BECAUSE the balance between Environmental Protection and developmental activities would only be maintained following the principle of sustainable development. This is a development strategy that caters the needs of the present without negotiating the ability of upcoming generations to satisfy their needs. The strict observance of sustainable development will put us on path that ensures development while protecting the environment, a path that works for all the people and for all generations. It is a guarantee to represent and bequeath to the future. All environmental related development activities should benefit more people while maintaining the environmental balance. This could be ensured only by the strict adherence of sustainable development without which the life of coming generations will be in jeopardy.
12. BECAUSE the Right to Development cannot be treated as a mere right to economic betterment or cannot be limited to as a misnomer to simple construction activities. The Right to Development encompasses much more than economic well being and includes its definition the guarantee of fundamental human rights. The issue of development cannot be separated from the conceptual frame work of human right.

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13. BECAUSE the respondent no.10 to 24 being giant industrialists and has no care, love, affection towards the life and health of the residents of the Singrauli and nearby area and knowingly well that the said area is highly polluted and the residents are therein facing with serious illnesses and their life is in danger in utter violation of the applicable laws has started their work creating acute pollution.
14. BECAUSE the other industries large, medium and small one who are engaged in the business of coalmining in the Singrauli area and nearby has already polluted the environment to its peak and no one there is safe to survive peacefully and healthy. These industries are creating acute pollution of water, air and noise and the life of the inhabitants of the area are in danger.

INTERIM PRAYER:-

It is therefore, most respectfully prayed that this Hon'ble Tribunal may graciously be pleased:

- a) Direct the respondents no.1 to 9 not to grant any permission/ fresh permission /sanction/ consent for establishing any new units and not to give sanction to respondent no.13, 14 & 15 for establishing the industries; and /or expansion of existing units till the complete implementation of action Plan for improving the environment quality of the area in question.
- b) Direct the respondent no.10 to 12 and 16 to 24 to install modern devices and equipments for controlling /minimizing the pollution within prescribe limits.
- c) Restrain the respondent no. 10 to 12 and 16 to 24 not to run the industries without modern device, technique and equipments for controlling/minimizing the existing pollution without approval of the concerned Pollution Boards.
- d) Restrain the respondent no.13, 14 & 15 not to cut green trees of the dense forest area and not to start their projects till the disposal of the present application.
- e) Restrain the respondents not to transport their coal from coal linkage by road passing between and by villages Majan More, Kachni, Telai, Persauna, Hardi, Khutar, Rajmikan and other villages and markets of Singrauli (Madhya Pradesh).

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- f) Restrain the respondents not to dispose/ dump the Fly Ash in Rihand Reservoir, Rihand River, Kachan River, Balla Nala, Kachan Dam, Chilka Lake Shaktinagar, Modwani Lake, Chatka Nala.
- g) Pass such other or further order/s as this Hon'ble Court may deem fit and proper in the interest of justice.

TERRITORIAL JURISDICTION:-

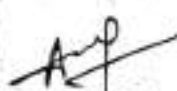
1. That it is submitted that the respondent Industries situated in Sonebhadra, Uttar Pradesh and Industries situated in Singrauli, Madhya Pradesh are known by the name of Singrauli Industrial Zone. As per the pollution control Board the major Water Bodies (Rivers, Lakes, Ponds etc.) as namely Rihand Reservoir, Chilka Lake Shakti Nagar Uttar Pradesh, Rihand River, Kanchan River, Balla Nala, Kachan Dam, Modwani Dam, Chatka Nala etc, are highly polluted by the Industries situated in Sonebhadra (U.P) and Singrauli, Madhya Pradesh. The Water Bodies/Effluents receiving drains in the area important for major water source for use of residents of Singrauli (M.P. and U.P.) are the Rihand Reservoir situated in Madhya Pradesh and Uttar Pradesh Both, Surya Nala situated in M.P. and U.P. both, Chatka Nala also situated in M.P. and U.P. both.
2. That the Singrauli area consists of North East area of Madhya Pradesh District Singrauli and Southern Part of Sonebhadra District of Uttar Pradesh. The power plant in the whole Singrauli area (M.P. and U.P) are discharging the effluents in the Balla Nala, and Surya Nala which finally confluence to Rihand Reservoir and also discharging in the Rihand Reservoir which is life line of Singrauli (M.P. and U.P.) and situated in both the places.
3. That as per clause 2.1.3 of action plan prepared by Madhya Pradesh pollution control board the prominent sources contributing to various pollutants such as Industrial effluents, domestic effluents in Singrauli are of U.P and M.P and agricultural run-off of U.P and M.P. Thus the Environmental Pollution is created by the Industries situated in both Madhya Pradesh and Uttar Pradesh and cause of action partly accrued in U.P. and partly in M.P. and cannot be separated with each other hence the Principal Bench of this Hon'ble Tribunal has Territorial jurisdiction to entertain the present application.

technique and equipments for controlling/minimizing the existing pollution

- I. Restrain the respondents not to transport their coal from coal linkage by road passing between and by villages Majan More, Kachni, Telai, Persauna, Hardi, Khutar, Rajmilan and other villages and markets of Singrauli (Madhya Pradesh).
- J. Restrain the respondents not to dispose/ dump the Fly Ash in Rihand Reservoir, Rihand River, Kachan River, Balia Nala, Kachan Dam, Chilka Lake Shaktinagar, Modwani Lake, Chatka Nala.
- K. Pass such other or further order/s as this Hon'ble Court may deem fit and proper in the Interest of justice.

Applicant

Through


**M.Z. Chaudhary &
 Avinash Prasad**
 Counsels for the Applicant
 61-B, Pkt-A, Mayur Vihar, Phase-II,
 New Delhi-110091
 Ph.: 91-11-22787061:65426540,
 Tele Fax: 91-11-22729564
 Mobile : 9810000976

VERIFICATION:

I, Ashwani Kumar Dubey S/o Late Sh. D.R. Dubey, aged about 34 years, R/o 264A, Pocket-C, Mayur Vihar, Phase- II, New Delhi do hereby verify that the contents of paras 1 to 42 of the Application are true to my personal knowledge and paras 1 to 14 are grounds believed to be true on legal advice and that I have not suppressed any material facts.



Applicant

BEFORE THE NATIONAL GREEN TRIBUNAL (PRINCIPAL BENCH),
NEW DELHI

APPLICATION NO. OF 2013

BETWEEN:

Ashwani Kumar Dubey

...Applicant

VERSUS

Union of India & Ors.

...Respondents

AFFIDAVIT

I, Ashwani Kumar Dubey, S/o. Late Shri D.R. Dubey aged about 34 years, R/o. 264-A, Pocket-C, Mayur Vihar Phase-II, New Delhi-110091, do hereby solemnly affirm and declare as under:-

1. I state that I am the Applicant in the above mentioned Application and am well conversant with the facts and circumstances of the present application, and hence, am competent to swear this affidavit.
2. I state that the accompanying Application has been drafted by my Counsel as per my instructions the contents of which are true and correct and the same may kindly be read as part and parcel of the present affidavit, which are not being reproduced herein to avoid repetition.

VERIFICATION:

Verified at New Delhi on this 9th day of September, 2013 that the contents of this affidavit are true to my knowledge: No part of it is false and nothing material has been concealed



Ashwani Kumar Dubey
Deponent



CERTIFICATE THAT THE DEPONENT
Shri/D. Dubey
has been examined before me at
New Delhi on 09.09.2013 and has affirmed the contents of the affidavit which have been
deposited before me and I have attested the same.
NOTARY, DELHI-R-5780
GOVT. OF INDIA

Ashwani Kumar Dubey
Deponent
Ph. 8942301802
9889446209

BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

Original Application No.276 of 2013
(M.A. No. 571/2016)

And

Original Application No.20 of 2014
(M.A No. 59/2014)

IN THE MATTER OF:

Ashwani Kumar Dubey Vs. Union of India & Ors.

And

Jagat Narayan Viswakarma & Ors. Vs. Union of India & Ors

CORAM : HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON
HON'BLE DR. JUSTICE JAWAD RAHIM, JUDICIAL MEMBER
HON'BLE MR. JUSTICE RAGHUVENDRA S. RATHORE, JUDICIAL MEMBER
HON'BLE MR. BIKRAM SINGH SAJWAN, EXPERT MEMBER

Original Application No.276 of 2013

Present: Applicant : Mr. Ashwani Kr. Dubey, Applicant in person.
Respondent No. 1 : Mr. Vikas Malhotra, Advocate
Respondent No. 4 : Mr. Rajul Shrivastava, Adv.
Respondent no.7 : Mr. Daleep Kr. Dhyani, Adv
Respondent No. 6 & 9 : Mr. Gigi C. George Adv. for State of UP
Respondent No. 10,11&12 : Mr. Bharat Sangal, and Ms. S. Spandana Reddy
Adv.
Respondent no. 13, 15,16,21: Mr. Syed Shahid Husain Rizvi, Adv.
Respondent No. 14,17 & 37: Mr. Vikrant Pachnanda, Adv.
Respondent No. 20 : Mr. Rajat Jariheal and Mr. Bharat Gupta, Adv.
Respondent Nos. 19 & 20 : Mr. Pradeep Misra, Adv
Respondent No. 22 : Mr. Nitin Mishra, Adv. with Ms. Mitali Gupta
Adv
Ms. Deep Shikha Bharati, Adv for State of UP
Respondent no. 23 & 27 : Mr. Pawan Upadhyay Adv. Mr. Krishana
Kanodia, Mr. Akash Tyagi, Adv.
Respondent No. 26 : Mr. Vivek Singh, Mr. Swastik advs
State of M. P. : Mr. V. K. Shukla, Mr. Himanshu Dubey Adv
Mr. Bharat Gupta and Mr. Rajat Jariwal Adv.
UPPCB : Mr. Daleep Kr. Dhyani, Advocate
Respondent No. 36 : Mr. Anip Sachthey, Ms. Anjali Chauhan and
Mr. Ria Sachthey, Adv
State of Uttar Pradesh : Mr. Sharad Chauhan, Adv.
Mr. Rajkumar Adv. with Mr. Bhupender LA
: Mr. I.K. Kapila, Adv. for Uttar Pradesh Jal
Nigam
Mr. Bhanwar Pal Singh Jadon, Adv.
Mr. Rajat Jariwal, Adv.

Original Application No.20 of 2014

Present: Applicant : Ms. Katyayni, Ms. Mehak Rastogi, Adv.
Respondent No. 1 : Ms. Panchajanya Batra Singh, Advocate with
Ms. Aanya Shrotriya, Adv. for MoEF & CC
Respondent No. 2 : Mr. Raj Kumar, Advocates
Respondent no.5 : Mr. Daleep Kumar Dhyani, Adv
State of M. P. : Mr. V. K. Shukla and Ms. Vijay Laxmi, Adv.
: Mr. Anip Sachthen, Ms. Ria Sachthey, Adv.
and Ms. Anjali Chauhan, Adv.
State of Uttar Pradesh : Mr. Sharad Chauhan, Adv.
Mr. Krishna Kumar Singh Adv.
Mr. Rajkumar Adv. with Mr. Bhupender LA
Mr. Amit Tiwari, Adv.
Mr. Syed Shahid Hussain Rizvi and Mr. Zeeshan
Rizvi, Adv.
Mr. Bhanwar Pal Singh Jadon, Adv.
Dr. Vijendra Mahndiyani, Adv. for State of UP
Mr. Daleep Kr. Dhyani Adv.
Mr. Vikrant Pachnando, Mr. Nishant Rao and
Ms. Tanvi Manchando, Adv.
Mr. Rajul Shrivastav, adv.
Mr. Sanjay Sen, S. Adv., Mr. Rishi Agrawal,
Adv., Ms. Aanchal Mullick, Adv., Mr. Nishant
Rao, Adv., Ms. Tanvi Manchanda, Adv.

True Copy
[Signature]

MR. Pawan Upadhyay, MR. Akash Tyagi
and Mr. Krishna Venodia, Advs.

Date and Remarks	Orders of the Tribunal
Item No. 26 & 27 December 06, 2017	We have heard the Learned Counsel appearing for the parties. We dispose of these applications with the following directions:- 1. We accept the interim report dated 07-07-2014 and final report dated 20-08-2015 filed by the Core Committee before the Tribunal as there are no objections raised by any of the stakeholders before us to the acceptance to the said reports. Consequently, we accept the reports\. 2. Keeping in view of the facts and circumstances of the case, the Core Committee shall conduct a fresh inspection within four weeks from today and all the industries located in the area in question as well as localities around those industries. It will examine whether the recommendations made by the Core Committee already in its report dated 14-02-2014, 07-07-2014 and 20-08-2015 have been implemented or not and how they need to be. If any stakeholder is to be found deficient in compliance in taking action, what action should be taken against that industries or authorities or State Government for that default. 3. We hereby constitute two separate committees for appropriate implementation of the recommendations made by the Core Committee in their reports and these committees in their respective States shall be responsible for implementation of those directions

Item No.
26 & 27

December
06, 2017

without any further delay. The Committee shall consist of the followings in each States:-

- i) Secretary Environment of the respective States
- ii) Member Secretary of the Pollution Control Board of the concerned States
- iii) District Magistrate of the concerned district who shall be conveners of the meeting.
- iv) Zila Panchyat Adyayksh of the District in which the village falls inspection of which is being conducted by the Team.
- v) Nominee of the Mayor in the case of Urban areas.
- vi) Senior Officer from the Coal Mine Department of the States

4. This Supervisory Committee shall perform dual functions. First, is with regard to supervision of the implementation and recommendations issued by the Core Committee. Secondly, would also suggest to the Core Committee such further steps that have to be taken in the interest of environment, ecology and public health.

5. The Supervisory Committee shall submit a monthly report of the Core Committee and the Core Committee in turn shall submit the report to the Tribunal every three months.

6. We direct that the Member Secretary of the respective State Pollution Control Boards, the District Magistrate of the concerned district and the Director/Partner/Executive Officer of the industry-thermal plant shall ensure that every village in the

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Item No.
26 & 27

December
06, 2017

region of Singrauli region including coal mining area, every village is provided with an RO plant and if the population of the village so demands at least two or even more plants shall be provided in that village to ensure that residents of the village get potable water for drinking purposes at any cost. All the industries shall be liable to bear the cost in discharge of their corporate social responsibility as well as on the fact that the existing pollution is attributable to them in one way or the other. The Principle of polluter pays has to be invoked but we make it clear that at this stage we are not returning the findings that these industries are causing pollution, as of now. We will leave it to the inspection team to return their findings in that behalf with complete analysis report.

7. Since this region falls both in the State of Uttar Pradesh and in the State of Madhya Pradesh, both the State Pollution Control Boards along with the Department of Environment of the State Government shall fix on-line air monitoring system. They shall also ensure that water quality monitoring system is also provided wherever the water body or the river is there near to village/ industrial complexes etc.

8. We further order and direct that Core Committee upon recommendations of the Supervisory Committee may consider and providing of further time for compliance or directions provided that it is shown that effective steps have already been taken by the industries and they are in the process of

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for

Item No.
26 & 27

December
06, 2017

compliance of the directions may be like installation of ETP or any other anti pollution devices that has been recommended or directed.

9. For installation of RO plant, land would be provided by the Government/Gram Panchayat and entire cost for installation or maintenance would be borne by the industries.

10. The Supervisory Committee would be at liberty to take input/advise or opinion of any authority or body including Director General of Mines Safety.

11. All the stone crushers which are operating in these regions without obtaining consent of the Board and permission from the competent authority shall be shut down without further notice. The stone crusher which are permitted to operate would also be responsible for installation of RO system at the place where there are number of stone crushers running and they would be guided by the same directions as we have afore-recorded in the case of industries.

With the above directions these applications i.e. Original Application No. 276/2013 and Original Application No. 20/2014 stand disposed of without any order as to cost.

As and when the report is submitted by the Core Committee the same shall be registered separately and place before the Tribunal for appropriate orders.

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[Signature]

Item No. 26 & 27 December 06, 2017	<u>M. A. NO. 571/2016 and M. A. No. 59/2014</u> These applications do not survive for consideration as the main application itself stand disposed of. M. A. NO. 571/2016 and M. A. No. 59/2014_stand disposed of with no order as to cost. ,CP (Swatanter Kumar) ,JM (Dr. Jawad Rahim) ,JM (Raghuvendra S. Rathore) ,EM (Bikram Singh Sajwan)
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True Copy
JK

Annexure P-5

BEFORE THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI

67

Original Application No. 164 of 2018
(Earlier O.A. No. 276 /2013)

Ashwani Kumar Dubey Vs. Union of India & Ors.

CORAM : HON'BLE DR. JUSTICE JAWAD RAHIM, ACTING CHAIRPERSON
HON'BLE MR. JUSTICE S.P. WANGDI, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER

Present:

Applicant :

Respondents:

Ms. Deep Shikha Bharti, Adv.

Mr. V.K. Shukla, Adv.

Mr. Mukul Singh, Adv. for MoEF

Mr. Pradeep Misra and Mr. Daleep Kr. Dhyani, Adv.

Mr. Rajkumar, Adv. and Mr. Bhupendra Kumar, LA

Date and Remarks	Orders of the Tribunal
Item No. 13 April 06, 2018 A	The report filed is registered as Original Application No. 164 of 2018 in terms of the directions passed in Original Application No. 276 of 2013 and M.A. No. 49 of 2014 in Original Application No. 21 of 2014. Let Notice be issued to the applicant, industry in question and all respondents. Notice returnable by 11th May, 2018. ,ACP (Dr. Jawad Rahim) ,JM (S.P. Wangdi) ,EM (Dr. Nagin Nanda)
	06.04.2018

True copy
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MEMORANDUM OF UNDERSTANDING

Subject:- Regarding the disposal of various problems of different departments and affected families of 5 gram panchayats around Sasan power plant:

Reference: On 21.10.2019 the Collector Singrauli, S.P Singrauli, CEO Reliance, SDM Singrauli and other senior officers taking cognizance of the protest demonstration continued from last 18 days regarding various problems of the families affected near by village panchayats of Sasan Ultra Mega Power Plant and after discussion, the 12 point demand has been resolved according to the rules

SL No.	Demands submitted by the Migrants/ Sarpanch	Disposal
1.	It is that ash dyke made inside in Sasan power Ltd. is made up of sub-standard quality of products which is going down and it is a possibility of happening an incident like breach of fly ash dyke in future which should be inspected immediately and take appropriate action.	The Collector has conducted a team to check the quality of fly ash dyke made inside in Sasan power Ltd, which immediately check the fly ash dyke and submit their report. It is also revealed that the solid fly ash is also been stored in the fly ash dyke by which the quantity of water become less. As such there is no possibility of breach of fly ash dyke. The fly ash dyke made outside will also be elevated.
2.	A per the assurance given by Sasan power Ltd, the basic facilities like health, road, electricity, water and	The basic facilities like health, road, electricity, water and education will be given to the migrants.

education have not been given to the migrants. As like the road constructed from Siddhikala to Siddhikhurd, Lathbudwa, Giddhakhand, Harhawa, Bhadimohhala, across the boundary wall but it is worst condition. This road should be constructed immediately through PCC.

a) To provide better roads to the migrants, the roads will be marked by the Reliance in next 15 days and will provide that report to the administration and thereafter the road construction work will be started. During the construction of road, the bridges and culvert coming in the middle of roads will also be constructed by which the travelling through the bus could be easier. The road will be constructed till Surya Vihar Colony.

b) In relation to health services, the health centres situated at Krishna Vihar and Surya Vihar has been inspected by the CMHO through Collector's order. After resolving the deficiencies, the health centers will be constructed as CHC standard. In which the superior quality of health services should be provided to the migrants. In the inspection of administration the medical camp will be organized regularly by the Reliance to the migrants, in

		which free medicines will be provided. The medical camp should be once in every village.
3.	The Sasan Power Limited has not provided jobs, allowances to the children of migrants who has attained the age of 18 years in such a situation the children of migrants are unemployed and the company has not given work in the plant, to those migrants who are getting allowances. Where is the law that intended person cannot work and it should be investigated and a proper action should be taken or the job should be given to all the young men.	a) Because more and more families of migrants could take the benefits of employment as well as allowances as such it is not possible to provide employment and allowances to one person. Therefore, in present those persons are benefits of employment and allowances, they will be optioned to choose either the employment or allowances, and the people are free to choose one option. b) The only state government has power to include all migrant people in migrant allowances or to make a new scale for which the proposal will be sent by the collector to the State Government.
4.	The cases filled by the company against migrants pending in High court or in any other court against the decision of Collector, except	The cases filed in the High Court by the Company was reviewed by the Collector after that as per the facts the two cases has been ordered

	the case filled by the collector should be withdrawn or till the decision of the case, the lands of the migrants should be vacant because the migrants cannot fight the case with the company.	to be withdrawn by the Company from the Collector.
5.	It is that the migrant's allowances should be provided as per the rates of central government and the payment will be given till the 10 th of every month.	At present, there is a delay in migrant's allowances. As per the Collector's order it will be provided before 10 th of every month in every situation. For the month of September the allowances will be provided till the next Saturday dated 26.10.2019. There will be no delay to provide allowances in future.
6.	It is that those migrant's families has not been placed in the list of allowances. The work should also be provided on regular basis in the plant to them. As per the Madhya Pradesh Migrants Policy, 2002 all migrants from 01 decimil to 99 decimil is presumed to be listed in migrants list.	As per the migrant's demand, to change the scale from one acre or more (General/OBC) and half acre or more for (SC/ST) has already been sent to the state government by the Collector because the migrant allowance is provided only by the set scale of the state government by the Sasan Power Limited. As such the state government has all the powers to include the persons in the migrant's list.

		For which a suggestion will be sent by the Collector to the state government to change the scale parameters.
7.	It is that the children who are studying in the DAV school, Surya vihar, the books, copies, uniforms and scholarship should be provided on time	The Collector have directed to get education in DAV school run by Sasan Power Limited to the wards of displaced people. As per the demand of displaced people, the student who are eligible to get admission in DAV school shall get in next session. The complaint of the displaced people regarding the not given scholarship to the students of migrants has been brought in the notice of the Collector who has taken cognizance and directed to provide scholarship immediately after identification of children. The appropriate action will be taken for granting recognition for the class 12 th .
8.	It is that the pension provided to the old persons of the migrant families would be increased from Rs. 1000 to 3000/-	At present Rs 1000 is being provided to every person of migrant families. The Collector will send the recommendations to State government to increase the

		pension from Rs. 1000 to 3000/-. It is clear to mention here that the pension amount given to the migrant's family persons by the Sasan Power Limited is taken from state government, after that Sasan Power Limited pay the same to the old persons. As such the power of distribution of pension is under the state government as such the increment in pension will be done after the permission of state government.
9.	It is that the D.A.V school which is situated in the Surya Vihar is only English medium in which hindi Medium should also be included as like the NTPC, Vindhya Nagar has been started. Therefore, the Hindi Medium School should be started.	It is ordered by the Collector that only the children of migrant's families have been studied in the DAV school managed by the Sasan Power Limited. As per the demand of the migrant families, the admission should be given to the children as per their medium choice in next session. As per the complaints of migrant family members, the Collector has taken the cognizance regarding the non-payment of scholarship and ordered the sasan Power Limited for immediate payment of

		scholarship to the students.
10.	It is that an agreement has been executed between the Sasan and Sasan Power Limited. As per which the work has been given on contract basis but the company is not giving any work and the work is doing through the contractors that is wrong as such the work has been given only to the village societies by which more and more people can get employment.	The notification will be issued within next 2 months for apprentice training for the persons who have passed ITI. In which 30 young men will be appointed as per the eligibility criteria. The Sasan Power Limited as per the requirement will employ the persons from migrant families for housekeeping, gardening work. This type of work has not been given to any outside persons. The examination of this will be done by the District administration from time to time.

Note:- As per the abovementioned discussion dated 25.10.2019, the ongoing protest is called off.

True, typed &
translated
H

Annexure P-7

**DISTRICT COLLECTOR AND DISTRICT MAGISTRATE,
SINGRAULI (M.P)**

Singrauli dated 11 April, 2020

ORDER

No. 452/R.D.M./2020, Sub-division Magistrate, Singrauli.

"On 10.04.2020 evening around 4:30pm Reliance Sasan Power Project's Ash dyke. The 6 people including 3 children swept away in the fly ash and got missing. Till now only 2 people's dead bodies could be recovered and the remaining people's search are in progress. Two women have also been injured due to the above mentioned incident those were admitted to Government hospital and their condition are stable". The people at large got affected by the said incident. As such this incident should not be happen again in future as such in the interest of public at large, I deem fit to investigate the reason of breach of fly ash of the Reliance Sasan Power Project.

Therefore. I K.V.S Chaudhary, District Magistrate, District Singrauli orders for the investigation of the abovementioned incident under section 176, I.P.C and appoint Mr. B. K Pandey, Upper District Magistrate, District Singrauli as an Investigation Officer.

The Investigation Officer have been directed to investigate the abovementioned incident only following points and submit his reports within 45 days.

1. What was the reason for the breach of Fly Ash Dyke Reliance Sasan Power Project? Who are responsible for that?
2. Whether the construction of Reliance Sasan Power Project had been done as per the issued guidelines? If Yes, then what is the reason for the breach of Fly Ash Dyke?
3. If the construction had not been done as per the issued guidelines then who is responsible for this type of worst construction? The Investigation Officer will be free to investigate the quality of construction and get technical assistance from Work Department, Singrauli, Water Resource Department, Singrauli, District General Manager Singrauli, Road Development Department, District Singrauli.
4. Precautions and Suggestions regarding such type of incident could not happen again.
5. Any other important point whom the Investigation Officer think important.

(K.H.S CHAUDHARY)
Collector
District Singrauli

S.I No. 453/RDM/2020

Singrauli dated 11 April, 2020

Copy to:-

1. Principal Secretary, Madhya Pradesh Government Home Department, Vallabh Bhawan, Bhopal.
2. Commissioner, Riva Region for Riva
3. SP, District Singrauli, be directed to take action.
4. Mr. B. K Pandey, Upper District Magistrate, District Singrauli
5. Subdivision Magistrate, Subdivision and District Singrauli (M.P).
6. Tehsildaar and Executive Magistrate, singrauli
7. Executive Engineer, Public Health Engineering Department, District Singrauli. Public works department directed to check the quality of the drinking water body and submit the action taken report.
8. Executive Engineer, Water Resource Department, District Singrauli.
9. General Manager Singrauli, Road Development Department, District Singrauli.
10. Head Administrative Officer, Reliance Sasan Power Project
11. District Public Information Officer, singrauli

Collector
District Singrauli

True, type, & translated
H.K.

Annexure P-8

**DISTRICT COLLECTOR AND DISTRICT MAGISTRATE,
SINGRAULI(M.P)**

No. 61/CST/OF...AF. 2/2020 Singrauli dated 12 April, 2020

SHOW CAUSE NOTICE

Sir,

Sh . A. K Singh
Head of
Sasan Power Limited
District Singrauli(M.P)

Subject:- In this Office letter vide no. 3093/Investigation/2019 dated 1.10.2019, letter no 3166/steno /inquiry committee /2019 dated 4.10.2019, Letter no 2381 dated 22.10.2019, Letter no 3366 dated 30.11.2019 and Letter no. 3834 dated 17.12.2019.

This is to inform through vide aforesaid letters, you were directed to repair the damaged ash dyke in accordance with parameters but you have not taken any steps to comply the aforementioned orders, resultantly on 10.04.2020 the ash dyke of Sasan Power Limited, District Singrauli got damaged which caused loss of public life and properties. The 6 people swept away in ash slurry put of which 2 people died and 4 are still missing. In huge area, the standing crops got fully destroyed, the environment of the area and water bodies are contaminated and polluted. It has been brought to the knowledge of the undersigned by the villagers of the area that apart from breached ash dyke, your other ash dykes are also damaged and have cracks in it and there is apprehension for breach of their ash dyke.

Henceforth by this show cause notice, you here are being directed to repair all the ash dykes and immediately repair

quality of ash dyke in accordance with the guidelines. You are also directed to file the action taken report in this office. If this incident happens again and if there is any loss to life and limb then you shall be held responsible and alongwith this, you are directed to submit a reply as to why the previous directions have not been complied with. Reply should be submitted to this office within 3 days regarding the non-following of the directions given prior to the abovementioned letters.

(K.H.S CHAUDHARY)

Collector

District Singrauli

**DISTRICT COLLECTOR AND DISTRICT MAGISTRATE,
SINGRAULI(M.P)**

S.I No. 62/SCT/F-2/2020 Singrauli dated 12 April, 2020

Copy to:-

1. Commissioner, Riva Region for Riva.
2. SP, District Singrauli, be directed to take action.
3. Executive Engineer, Water resource Department, District Singrauli to immediately conduct the physical verification and submit the inquiry report.
4. Executive Engineer, Public Health Engineering Department, District Singrauli. Public works department directed to check the quality of the drinking water body and submit the action taken report.
5. Regional Officer, Madhya Pradesh Pollution Control Board, District Singrauli directed to submit the inquiry report regarding the spread of ash in the area and damaged caused due to this.
6. Subdivision Magistrate, Subdivision and District Singrauli (M.P).

True. Typed & translated
Htc

Collector
District Singrauli

81

Annexure - P-9

Dated: - 16.04.2020

To,

District Collector Singrauli
District Headquarter Waidhan,
District Singrauli
Madhya Pradesh-486886

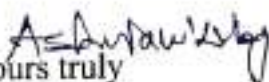
Sir,

On 10.04.2020, due to the Industrial Disaster & breach of Ash Pond of Sasan Ultra Mega Power Project, millions of metric tons of fly ash, bottom ash, ash slurry, industrial sewage, toxic residue has deposited in the Govind Ballabh Pant Sagar "Rihand Reservoir" and have contaminated the drinking water. The Ash slurry has also entered in the houses, drinking wells, water bodies and agricultural fields of the nearby villagers and has destroyed it extensively. Hundreds of cattle have also died, standing crops are damaged and agricultural land has become unfertile due to discharge of fly ash and 6 persons including 3 minor children have died.

Industry is still generating fly ash, toxic residue and throwing it in the Rihand Reservoir. It is submitted that as per your notices issued to the Sasan Ultra Mega Power Project their fly ash dyke was found having cracks and was damaged and the unit was asked to repair the same. Unfortunately no action was taken by the industry and show cause notices were ignored.

Sir, through this letter/Representation, I would like to request you to save the life of local residents and appropriate action will be taken against the wrongdoers, culprit industry and the responsible officers of the Sasan Ultra Power Project.

Thanking you,


Yours truly

Ashwani Kumar Dubey,
Advocate-on-Record, Supreme Court of India
R/o House No.55-56, Near Mayor Bunglow,
Waidhan, District Singrauli,
Madhya Pradesh-486886
Mob-9818685007

National Human Rights Commission

Diary No	4630/IN/2020	Case / File No	962/12/56/2020
Victim Name	THREE MINOR CHILDREN, THREE ADULTS	Registration Date	29/04/2020

Action List (Click on Action given in blue color to view details)

Action No.	Action	Authority	Action Date	Due Date	Completion Date
3	Action Taken Report Called for	THE SUPERINTENDENT OF POLICE SINGRAULI, MADHYA PRADESH	12/05/2020	18/07/2020	
2	Action Taken Report Called for	THE CHIEF MANAGING DIRECTOR RELIANCE POWER LIMITED, MADHYA PRADESH, BHOPAL	12/05/2020	18/07/2020	
1	Action Taken Report Called for	THE SECRETARY MINISTRY OF POWER, GOVT. OF INDIA, SHRAM SHAKTI BHAVAN, RAFI MARG, NEW DELHI, DELHI	12/05/2020	18/07/2020	

Expand All Action List

Action

Action : Action Taken Report Called for (Action No 3)

Action Date	12/05/2020	Due Date	18/07/2020	Completion Date
Authority	THE SUPERINTENDENT OF POLICE, SINGRAULI, MADHYA PRADESH			
Proceeding	The Complainant in his online complaints dated 24-4-2020 and 25-4-2020 has alleged that on 10-4-2020, due to the negligent Act of officials of Sasan Ultra Mega Power Project, District- Singrauli, Madhya Pradesh, fly ash dyke breached resultantly 6 persons including 3 minor children & hundreds of cattle swept away by slurry of ash & died. The bodies of victims were recovered after so many days. It is further alleged that The said slurry contaminated the only drinking water of the area called "Rihand Reservoir" which is a lifeline of 20 Lakh People of the district. It is further alleged that the incident happened due to negligence of CEO and other officials of the said Power Project as repeated notices were served by PCB & District Administration to repair the damaged ash Dyke & also directions were given for not to store more Flyash in the Dyke, but the CEO & others overlooked such directions. Adding to the agonies, it is alleged that the Distt Administration has not even registered FIR against the culprit CEO & other officials of Sasan Power Plant despite this fact that the industrial accident was the third such incident in the region in less than a year. The complainant has sought for an intervention of the Commission for taking cognizance of the issue & pass orders in accordance with law against the guilty officials/culprits & impose exemplary penalty against the guilty. The Commission directs its registry to transmit the copy of the complaint to the Secretary, Power and Energy, Government of India, Chief Managing Director of Reliance Power Limited, and the Superintendent of Police, District-Singrauli, Govt. of Madhya Pradesh calling for a report within four			

weeks.

In case the report will not be received within the stipulated time, the Commission shall be constrained to invoke coercive process u/s 13 of the Protection of Human Rights Act, 1993 for personal appearance of the concerned authority.

Complaint

Diary No	4630/IN/2020	Section	M-4
Language	ENGLISH	Mode	HRCNET/ONLINE
Received Date	25/04/2020	Complaint Date	25/04/2020

Victim

Victim Name	THREE MINOR CHILDREN, THREE ADULTS	Gender	Both
Religion	Hindu	Cast	Other Backward Class
Address	SINGRAULI		
District	SINGRAULI	State	MADHYA PRADESH

Complainant

Name	ASHWANI KUMAR DUBEY		
Address	OFFICE OF ASHWANI KUMAR DUBEY AOR, SUPREME COURT- 61-B, POCKET-A, MAYUR VIHAR PHASE-II, NEW DELHI-91		
District	EAST DELHI	State	DELHI (110091)

Incident

Incident Place	SINGRAULI	Incident Date	10/04/2020
Incident Category	CHILDREN		
Incident District	SINGRAULI	Incident State	MADHYA PRADESH
Incident Details			

Cause List

NA

**BEFORE THE NATIONAL GREEN TRIBUNAL
(PRINCIPAL BENCH), NEW DELHI
I.A. NO. OF 2020**

**IN
O. A. No. _____ OF 2020**

IN THE MATTER OF:-

Ashwani Kumar DubeyApplicant

VERSUS

Sasan Ultra Mega Power Project & Ors.Respondents

**APPLICATION FOR URGENT HEARING
THROUGH VIDEO CONFERENCING**

MOST RESPECTFULLY SHOWETH:-

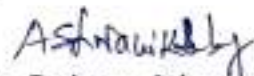
That the humble Applicant respectfully submits as under:-

1. The applicant has filed the present original application before this Hon'ble Tribunal pertaining to breach of ash pond resultantly millions of metric ton of Fly ash, bottom ash, toxic residue stored in the fly ash pond generated from the unit of Respondent no.1 i.e. Sasan Ultra Mega Power Project which not even polluted the entire area of almost 50 Km of Singrauli district (M.P.) but also at the same time has claimed the lives of the 6 innocent locals including 3 children and also destroyed environment flora-fauna and cattle of the District Singrauli.
2. That despite of several complaints, protests by the locals and the news articles published in news papers, no action has been taken by the administration against the culprits and wrongdoer.

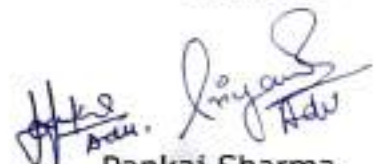
3. That due to the aforementioned irresponsible act of power plant and non action of administration, the people of area are forced to face severe pollution and due to negligence of Power Plant the innocent villagers died. In view of the above circumstance the applicant herein has left no other option but to approach this Hon'ble Tribunal for redressal of the grievances.
4. It is respectfully submitted that the fly ash, toxic residue and other pollutants generated from the Respondent No.1 is lying in the agricultural fields, water bodies, near the houses of the villagers and people are forced to drink the fly ash, toxic residue contaminated water and forced to inhale the polluted water. It is further submitted that the fly ash and other generated waste is still being disposed off in the Nalla and the same is ultimately travelling through the Nalla and being deposited in the Govind Ballabh Pant Sagar "Rihand Reservoir". The applicant respectfully submits that hearing of the present matter through video conferencing and on urgent basis is necessary in order to pass appropriate orders. Therefore this Hon'ble Tribunal may kindly be pleased to allow the present application for urgent hearing through video conferencing.
5. That therefore the applicant most respectfully prays this Hon'ble Tribunal to allow the present application and hear the matter urgently.

PRAYER

In view of the above submission, this Hon'ble Tribunal may kindly be pleased to allow the instant application and may kindly hear the original application on urgent hearing through Video Conferencing in the interest of justice.


(Ashwani Kr. Dubey, Advocate)
Applicant

Through


Pankaj Sharma
Manish Kumar
Priyanka Toppo
Advocates for the Applicant
61-B, Pocket-A, Mayur Vihar, Phase-II,
New Delhi-110091
Mob - 986885012
Ph.91-11-22787061, 45118563
Email: adv.pankaj.s@gmail.com

New Delhi

Dated : 19 June, 2020

BEFORE HON'BLE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI
I.A NO. OF 2020

IN
O.A No. _____ OF 2020

IN THE MATTER OF:-

Ashwani Kumar Dubey

.....Applicant

VERSUS

Sasan Ultra Megan Power Project & Ors.

.....Respondents

AFFIDAVIT

I, Ashwani Kumar Dubey S/o Late Sh. D.R. Dubey, aged about 41 years R/o. 264-A, Pocket-C, Mayur Vihar Phase-II, Delhi-110091 do hereby solemnly affirm and declare as under:-

1. I state that I am the Applicant in the above mentioned Original Application and am well conversant with the facts and circumstances of the present case, and hence, competent to swear this affidavit.
2. I state that the accompanying Application has been drafted by my counsel as per my instructions, the contents of which are true and correct and the same may kindly be read as part and parcel of the present affidavit which are not reproduced herein to avoid repetition.

Ashwani Dubey
DEPONENT

VERIFICATION:-

Verified at New Delhi on this 19 of June, 2020, that the contents of para 1 to 2 of the above affidavit are true and correct to my knowledge. No part is false and nothing material has been concealed therefrom.

Ashwani Dubey
DEPONENT



ATTESTED

[Signature]

NOTARY PUBLIC
19 JUN 2020

BEFORE HON'BLE NATIONAL GREEN TRIBUNAL
(PRINCIPAL BENCH), NEW DELHI
I.A NO. OF 2020

IN
O.A No. OF 2020

IN THE MATTER OF:-

Ashwani Kumar Dubey

.....Applicant

VERSUS

Sasan Ultra Mega Power Project & Ors.

.....Respondents

**APPLICATION FOR EXEMPTION FROM FILING OF
OFFICIAL ENGLISH TRANSLATION**

MOST RESPECTFULLY SHOWETH:

1. That the applicant has filed the abovementioned original application before this Hon'ble Tribunal. The contents of the said application may kindly be read as part and parcel of the present application which are not being repeated herein for the sake of brevity.
2. That all the facts and circumstances have been set out in the accompanying Original Application. The applicant craves leave of this Hon'ble Tribunal to refer and rely upon the contents of the same for the purpose of this application.
3. That the applicant due to urgency involved and due to paucity of time has handed over the work of translation of Annexure P-6 to P-8 to an advocate practicing in this Hon'ble Tribunal and who is competent and well versed in both the languages. The Annexure P-6 to P-8 are part of

the record of the Tribunal below hence required to be filed before this Hon'ble Tribunal.

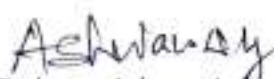
4. That in the interest of justice, the Applicant be exempted from filing official translation of Annexure P-6 to P-8 in order to meet the ends of justice.

PRAYER

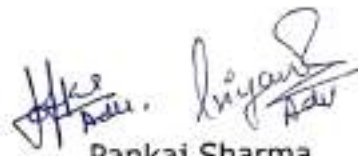
It is, therefore, most respectfully prayed that this Hon'ble Court may kindly be pleased to: -

- (a) grant exemption from filing of official translation of Annexure P-6 to P-8.
- (b) pass such order(s) or further order(s) as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the case.

AND FOR THIS ACT OF KINDNESS, THE APPLICANT, AS IN DUTY BOUND, SHALL EVER PRAY.


(Ashwani Kr. Dubey, Advocate)
Applicant

Through



Pankaj Sharma
Manish Kumar
Priyanka Toppo

Advocates for the Applicant

61-B, Pocket-A, Mayur Vihar, Phase-II,
New Delhi-110091

Mob - 986885012

Ph.91-11-22787061, 45118563

Email: adv.pankaj.s@gmail.com

New Delhi

Dated : 19 June, 2020

BEFORE HON'BLE NATIONAL GREEN TRIBUNAL
(PRINCIPAL BENCH), NEW DELHI
O.A No. _____ OF 2020
IN
I.A NO. OF 2020

IN THE MATTER OF:-

Ashwani Kumar Dubey

.....Applicant

VERSUS

Sasan Ultra Mega Power Project & Ors.

.....Respondents

AFFIDAVIT

I, Ashwani Kumar Dubey S/o Late Sh. D.R. Dubey, aged about 41 years R/o. 264-A, Pocket-C, Mayur Vihar Phase-II, New Delhi-110091, do hereby solemnly affirm and declare as under:-

1. I state that I am the Applicant in the above mentioned Original Application and am well conversant with the facts and circumstances of the present case, and hence, competent to swear this affidavit.
2. I state that the accompanying Application has been drafted by my counsel as per my instructions, the contents of which are true and correct and the same may kindly be read as part and parcel of the present affidavit which are not reproduced herein to avoid repetition.

Ashwani Kumar Dubey
DEPONENT

VERIFICATION:-

Verified at New Delhi on this 19 of June, 2020, that the contents of para no. 1 to 2 of the above affidavit are true and correct to my knowledge. No part is false and nothing material has been concealed therefrom.



Ashwani Kumar Dubey
DEPONENT

TESTED
[Signature]
HON'RY P. JUDGE
19 JUN 2020

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

ORIGINAL APPLICATION NO. _____ OF 2020

(Application under Section 18 read with Section 14 & 15(1) (a), (b) & (c) of
National Green Tribunal Act, 2010)

IN THE MATTER OF:-

Ashwani Kumar Dubey

Applicant

Versus

Sasan Ultra Mega Power Plant & Ors.

Respondents

KNOW ALL TO WHOM these present shall come that I, Ashwani Kumar Dubey S/o Late Sh. D.R. Dubey, The above named Applicant do hereby appoint

**Pankaj Sharma, Manish Kumar & Priyanka Toppo
(Advocates)**

Off.: 61-B, Pocket A,

Mayur Vihar Phase - II, Delhi - 110091

Ph.91-11-22787061, 45118563

Email: adv.pankaj.s@gmail.com

(hereinafter called the Advocate) as my / our Advocate in the above noted case and authorize him:

To act, appear and plead in the above-noted case in this Court or in any other Court in which the same may be tried or heard and also in the appellate Court including High Court subject to payment of fees each court by me / us.

To sign file, verify and present pleadings, appeal cross-objections, or petitions for execution, review, revision, withdrawal, compromise or other petitions or affidavits or other documents as may be deemed necessary or proper for the prosecution of the said case in all its stages subjects to payment of fees for each stage.

To file and take back documents, to admit and /or deny the documents of opposite party.

To withdraw or compromise the said case or submit to arbitration any differences or disputes that may arise touching or in any manner relating to the said case.

To take execution proceedings.

To deposit, draw and receive money, cheques, cash and grant receipts hereof and to do all other acts and things which may be necessary to be done for the progress and in the course of the prosecution of the said case.

To appoint and instruct any other Legal Practitioner authorizing him to exercise the power and authority hereby conferred upon the Advocate whenever he may think fit to do so and to sign the power of attorney on our behalf.

And I / we the undersigned do hereby agree to rectify and confirm all acts done by the advocates or his substitute in the matter as my / our own acts, as if done by me / us to all intents and purpose.

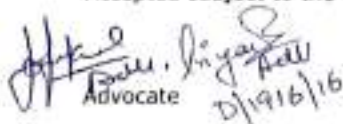
And I / we undertake that I/we or my/ our duly authorized agent would appear in Court on all hearings and will inform the Advocate for appearance when the case is called.

And I/ We undersigned do hereby agree not to hold the advocate or his substitute responsible for the result of the said case. The adjournment cost whenever ordered by the Court shall be of the Advocate which he shall receive and retain for himself.

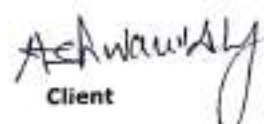
And I/We undersigned do hereby agree that in the event of the whole or part of the fee agree by me /us to be paid to the advocate remaining unpaid he shall be entitle to withdraw from the prosecution of the said case until the same is paid up. The settled is only for the above case and above court. I /We hereby agree that once the fee is paid, I/we will not be entitled for the refund of the same in any case whatsoever and if the case prolongs for more than 3 years the original fee shall be paid again by me/us.

IN WITNESS WHEREOF, I/We do hereunto set my/our hand to these presents the contents of which have been understood by me/us on this 19 day of June 2020

Accepted subject to the terms of the fees.


Advocate

Advocate


Client