

SYNOPSIS AND LIST OF DATES

That the Present Civil Appeal is being filed by the Appellant against the impugned final Judgment and order dated 14.07.2020 passed by the Hon'ble National Green Tribunal Principal Bench, New Delhi in Execution Application No.22 of 2018, whereby the Hon'ble National Green Tribunal has been pleased to disposed of the Execution Application, thereby ignoring the non-compliance of various directions issued by Hon'ble National Green Tribunal in O.A. No.276 of 2013.

That the Singrauli Region is the Critically Polluted Zone of the Country and there are 359 Industries situated in the Singrauli Area of which 259 are located in the State of Uttar Pradesh and 80 are located in the State of Madhya Pradesh. Among these Industries, Thermal Power Plants, Aluminum, Coal Mines and stone crushers are the major categories of Industries. There are 10 Thermal Power Plants, 2 Aluminum Plants, 10 Coal Mines dozens of explosive plants, Iron Industries, Chemical Industries, Carbon Plants and more than 500 Stone Crushers. An estimated amount of about 35 million tones of Fly Ash is generated per year from the Thermal Power Plant in the area. All the Ash dykes have reached to its saturation.

It is respectfully submitted that huge area (More than 3000 acres) alongwith the Govind Ballabh Pant Sagar "Rihand Reservior" has been occupied for disposal of Fly Ash. All the Ash ponds have attained their maximum height and reached their saturation and there is no further augmentation capacity for disposal of ash slurry and other Industrial Sewage. Coal Dust, Particles, Chemicals, used Oil etc is being discharged in the water bodies which are the tributary of "Rihand Reservior". The ground water is highly contaminated and people are suffering from various problems.

Further, it is submitted that ground water in dozens of villages and most of the areas has been observed with high fluoride concentration. The fluoride in ground water is attributed to the ferro-alluminious soil prevailing in the area. Fluorosis is highly prevalent in the area. Higher levels of the mercury is in the ground water. The level of mercury concentration is exceeding the limit of 0.001 mg / liter in the samples collected by Core Committee in most of the places. High pH (10.9) of the affluent being discharge in Dongia Nallah without treatment. Mercury-bearing brine sludge is stored without proper management and precaution. The over burden is also creating problem for the people of the area and also to the environment. Management of

Over Burden is not being done in a scientific manner by adopting biological and engineering manner. The Balia Nallah flowing in between NTPC Shakti Nagar (U.P.) and Vindhyachal Super Thermal Power Plant (M.P.) of NTPC carries sewage as well as the effluent from the Coal Mine. The high level of heavy metals are in the soils. There is acute Air Pollution.

It is necessary to bring in the kind notice of this Hon'ble Court that the Hon'ble National Green Tribunal despite various orders passed to restore the environment and instead of asking for the Industries to submit the compliance report dismissed the executing application. The Hon'ble National Green Tribunal only directed to look into the issue of Fly Ash and ignored rest of the orders / direction / suggestion made from time to time which were part of the Order of the Hon'ble National Green Tribunal.

That some of the Respondents / Project Proponents have approached before this Hon'ble Court by filing Civil Appeals, which are pending before this Hon'ble Court, the details of which are given as under:-

- (i) NORTHERN COALFIELDS LTD Vs. ASHWANI KUMAR DUBEY & Ors. C.A. No.4251-4252 of 2019
- (ii) LANCO ANPARA POWER LIMITED Vs. ASHWANI KUMAR DUBEY & Ors. C.A. No.5324-5325 of 2019

- (iii) GRASIM INDUSTRIES LIMITED (EARLIER ADITYA BIRLA CHEMICAL INDUSTRIES LIMITED) Vs. ASHWANI KUMAR DUBEY & Ors. C.A. No.8401-8404 of 2019
- (iv) VINDHYACHAL SUPER THERMAL POWER STATION Vs. ASHWANI KUMAR DUBEY & Ors. C.A. No.3087 of 2020
- (v) HINDALCO INDUSTRIES LIMITED RENUKOOT PLANT Vs. ASHWANI KUMAR DUBEY & Ors. C.A. No.15-16 of 2020

It is respectfully submitted that on 25.08.2014, the Hon'ble National Green Tribunal considering the critical pollution in Singrauli Region (District-Singrauli, Madhya Pradesh and District-Sonbhadra, Uttar Pradesh) constituted a Core Committee of experts for monitoring of Potential hazards of Industrial Development in Singrauli Area. The Hon'ble National Green Tribunal also constituted the five Sub-Committees for quantification of Industrial Impacts, Potential Impact of Pollution on Water Resources, Potential Impact of Pollution on Land Resources, Potential Impact of Pollution on Air quality and Potential Impact of Pollution on Health and directed the Committees to submit the Report.

Pursuant to the order dated 25.08.2014, the Core Committee and other Sub-Committees submitted their Reports citing the critical pollution in the area and also directed each of the Industries to comply with the various directions given separately. The Hon'ble Tribunal also constituted a committee for compliance of the

orders, however, the orders of the Hon'ble National Green Tribunal was deliberately not complied by the respondents. Accordingly, Appellant filed Execution Petition No.22 of 2018.

It is respectfully submitted that the orders have not been complied by the respondents and polluting Industries. As a matter of fact, Hon'ble National Green Tribunal also did not look into the entire directions passed and dismissed the execution petition.

It is submitted that the Appellant filed O.A. No.276 of 2013 before the Hon'ble National Green Tribunal against the acute pollution in the critically Polluted Zone Singrauli. The growing pollution of Air and Water due to the rampant mining, Coal Dust, Industrial Sewage, Toxic Residue has made the life of the people of Singrauli Region miserable.

Further the acute pollution caused by the activities of the Thermal Power Plants, Industries and Coal Mines in the Singrauli Region, causing distraction of Environment and the Industries are discharging Mercury, Fluoride, Lead and other heavy metals beyond their prescribed limits affecting the human lives and disorders in the nervous system causing tumors, health

hazardous such as dental and skeletal fluorosis as per the 'Comprehensive Environmental Polluted Index Report'.

Further submitted that the Respondent Industries are continuously disposing Toxic Residue and Industrial Waste in the Govind Vallabh Pant Sagar "Rihand Reservoir" other water bodies of the area, in nearby villages by which the all water bodies have become critically polluted resultantly damaging the health and life of people living in the Singrauli Region.

It is submitted that vide order dated 06.12.2017, the Hon'ble NGT also directed the Industries included Stone Crushers to Install RO plants in each and every village of Singrauli Region so that the residents of the area get potable water for the drinking purposes at any cost. However, the respondents deliberately failed to do so.

That the Hon'ble National Green Tribunal, vide impugned Order dated 14.07.2020 dismissed the Execution Application No.22 of 2018 without considering that the area is critically polluted and immediate safety measures are required to restore the environment of the area.

LIST OF DATES

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| 05.09.2013 | The Appellant filed an Original Application No.276 of 2013 before the Hon'ble National Green Tribunal. |
| 29.01.2014 | The Hon'ble NGT, vide order dated 29.01.2014 constituted a five Member Core Committee to inspect the entire area where Coal Mining, Thermal Plants, Cement Plants, Aluminium and explosive plants and Stone Crushers located in the District of Singrauli, Madhya Pradesh and Sonbhadra, Uttar Pradesh. |
| 14.02.2014 | The Core Committee submitted its report dated 14.02.2014 before the Hon'ble National Green Tribunal with certain recommendations for implementation by the respective States and Industries. |
| 25.08.2014 | That the Hon'ble National Green Tribunal, on 25.08.2014 constituted a Core Committee comprising of eminent experts on various facets of environment and four sub-committees to look into the impact of pollution on Water |

Resources, Land Resources, Air Quality and Health aspects of Singrauli Region.

- 14.08.2015 The Committee constituted by the Hon'ble National Green Tribunal submitted its Final Report dated 14.08.2015 before the Hon'ble NGT on 24.08.2015.
- 29.09.2015 Hon'ble NGT after going through the comprehensive report dated 20.08.2015 found that serious level of pollution is in the Singrauli Region and much efforts are required to tackle the Environment Hazards.
- 06.12.2017 The Hon'ble National Green Tribunal accepted the reports dated 14.02.2014 (wrongly mentioned as 07.07.2014) and final report dated 20.08.2015 filed by the Core-Committee and disposed of the O.A. No.276 of 2013 with many other directions.
- 26.03.2018 The Appellant filed the Execution Application No.22 of 2018 before Hon'ble National Green Tribunal seeking compliance of various directions.

- 06.04.2018 In compliance of Order dated 06.12.2017, the Core-Committee filed report before Hon'ble NGT which was registered as O.A. No.164 of 2018. It is respectfully submitted that despite the directions and despite various visits of Committee, the orders / directions issued by NGT not complied on ground.
- 28.08.2018 Hon'ble National Green Tribunal constituted an oversight Committee under the Chairmanship of Hon'ble Justice Rajesh Kumar (Retd. Judge of Allahabad High Court). His tenure continued till December, 2019. However, the respondents deliberately failed to comply with the directions issued by the Oversight Committee.
- 14.07.2020 Hon'ble National Green Tribunal vide Order dated 14.07.2020 only issued directions with regard to the Fly Ash generated by the Power Plants. However, the other various directions issued by the Hon'ble NGT were not looked into.

14.07.2020	Vide the impugned Order dated 14.07.2020, the Execution Petition filed by the Petitioner for compliance of various directions was dismissed.
12.09.2020	Hence, the present Appeal.

IN THE SUPREME COURT OF INDIA

[(Order XXIV, Rule 1 of SCR, 2013)]

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL No. OF 2020

IN THE MATTER OF:-

POSITION OF PARTIES

	BEFORE HON'BLE NATIONAL GREEN TRIBUNAL	BEFORE THIS HON'BLE COURT
Ashwani Kumar Dubey, S/o Late	Applicant	Appellant

Versus

1. Union of India, Ministry of Environment and Forests Paryavaran Bhawan, CGO Complex, Lodhi Road, New Delhi- 110003 Through its Chairman / Secretary	Respondent No.1	Respondent No.1
2. Central Pollution Control Board Parivesh Bhawan, CBD-Cum Office Complex, East Arjun Nagar, Delhi- 110 032 Through its Chairman	Respondent No.2	Respondent No.2

3. State of Madhya Pradesh Department of Environment E-5, Arera Colony, Paryavaran Parisar, Bhopal - 462 016, Madhya Pradesh Through its Principal Secretary (Environment)	Respondent No.3	Respondent No.3
4. Madhya Pradesh Pollution Control Board, E-5, Arera Colony, Paryavaran Parisar, Bhopal - 462 016, Madhya Pradesh Through its Chairman/ Secretary	Respondent No.4	Respondent No.4
5. Madhya Pradesh Forest Department, Satpura Bhawan, Bhopal-462016, Madhya Pradesh Through its Principal chief Conservator	Respondent No.5	Respondent No.5
6. State of Uttar Pradesh, Room No. 601, Bapu Bhawan, Secretariat, Vidhan Sabha Marg, Lucknow- 226 001, Uttar Pradesh Through its Principal Secretary	Respondent No.6	Respondent No.6
7. Uttar Pradesh Pollution Control Board, PICUP Bhawan, III Floor,	Respondent No.7	Respondent No.7

Vibhuti Khand, Gomti Nagar,
Lucknow- 226 016, Uttar Pradesh
Through its Chairman/ Secretary

8. District Collector Singrauli Collectorate Compound, Waidhan- 486886, District- Singrauli, Madhya Pradesh	Respondent No.8	Respondent No.8
9. District Collector Sonebhadra Collectorate Compound, Robertsganj, District- Sonebhadra-231216, Uttar Pradesh	Respondent No.9	Respondent No.9
10. Vindhyachal Super Thermal Power Station, P.O- Vindhya Nagar, District- Singrauli, Madhya Pradesh-486885 Through its General Manager	Respondent No.10	Respondent No.10
11. Rihand Super Thermal Power Station, P.O-Rihand Nagar, District- Sonebhadra, Uttar Pradesh-231223 Through its General Manager	Respondent No.11	Respondent No.11
12. Singrauli Super Thermal Power Station, P.O- Shaktinagar,	Respondent No.12	Respondent No.12

District- Sonebhadra, Uttar
Pradesh-231222
Through its General Manager

13. Essar Power Limited 27 th KM, Surat, Hazira Road – 394 270, Gujarat Through its CEO	Respondent No.13	Respondent No.13
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ALSO AT:-

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

14. Hindalco Industries Limited Century Bhawan, 3 RD Floor, Annie Besant Road, Worli, Mumbai- 400025, Maharashtra Through its CEO	Respondent No.14	Respondent No.14
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ALSO AT:-

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

15. Hindalco Industries Power Division Renusagar, P.O– Renusagar- 231 218, District- Sonebhadra, Uttar Pradesh Through its CEO	Respondent No.15	Respondent No.15
16. Sasan Ultra Mega power Limited, Waidhan- 486 886, District- Singrauli, Madhya Pradesh Through its CEO	Respondent No.16	Respondent No.16
17. Kanoria Chemicals and Industries Power Division, District- Renukoot, Uttar Pradesh- 231217 Through its CEO	Respondent No.17	Respondent No.17
18. Obra Thermal Power Station, U.P. Rajya Vidyut Utpadan Nigam Ltd. P.O.-Obra, District- Sonebhadra, Uttar Pradesh- 231219 Through its General Manager	Respondent No.18	Respondent No.18
19. Anpara Thermal Power Station, U.P. Rajya Vidyut Utpadan Nigam Ltd. P.O.-Anpara, District- Mirzapur- 231 225, Uttar Pradesh Through its General Manager	Respondent No.19	Respondent No.19

20. Hindalco Industries Limited Renukoot Plant, Renukoot Road, Renukoot- 231 217, Uttar Pradesh Through its General Manager	Respondent No.20	Respondent No.20
21. Hi- Tech Carbon Renukoot Plant Murdhawa Industrial Area, P.O.-Renukoot, District- Sonebhadra- 231 217, Uttar Pradesh Through its CEO	Respondent No.21	Respondent No.21
22. Dalla Cement Factory, P.O.- Dalla, District-Sonebhadra-231 207, Uttar Pradesh Through its CEO	Respondent No.22	Respondent No.22
23. Orient Micro Abrasives Limited Renukoot, Village- Labhari, Vikas Nagar, P.O.-Bairpan Pipri, Shakti Nagar Road, Renukoot- 231 217, Uttar Pradesh Through its CEO	Respondent No.23	Respondent No.23
24. Trimula Industries Limited, House No.45, Ward No.5, Main Road, Singrauli-486892, Madhya Pradesh Through its Managing Director	Respondent No.24	Respondent No.24

25. Lanco Anpara Power Limited, Gate No.03, Anpara, P.O.-Anpara, District- Sonebhadra, Uttar Pradesh-231225. Through its CEO	Respondent No.25	Respondent No.25
26. JaypeeNigrie Power Plant (Jaypee Power Venture Ltd.) Village Nigrie, Tehsil Deosar Distt.-Singrauli, Madhya Pradesh- 486884 Through its CEO	Respondent No.26	Respondent No.26
27. Ideal Industrial Explosives Ltd. Plot No. 8, M.P.A.K.V.N Industrial Area, Waidhan, District- Singrauli, Madhya Pradesh- 486886 Through its CEO	Respondent No.27	Respondent No.27
28. Indian Oil Corporation, Explosive Division, P.O.-Jayant, Distt.-Singrauli, Madhya Pradesh- 486889 Through its CEO	Respondent No.28	Respondent No.28
29. Nav Bharat Explosives Company Limited, Plot No. 24 & 26, Udyogdeep Industrial Area, Waidhan, Distt.-Singrauli, Madhya Pradesh- 486886 Through its CEO	Respondent No.29	Respondent No.29

30. Indian explosives Limited Explosive Division, P.O.-Jayant, Distt.-Singrauli, Madhya Pradesh- 486890 Through its CEO	Respondent No.30	Respondent No.30
31. Gulf Oil Corp.-IDL Division, Bulk Explosive Plant, P.O.-Jayant, Distt.-Singrauli, Madhya Pradesh- 486890 Through its CEO	Respondent No.31	Respondent No.31
32. Rewa Gases Private Limited Industrial Estate Waidhan, Distt.- Singrauli, Madhya Pradesh- 486886 Through its CEO	Respondent No.32	Respondent No.32
33. Railway Board, Ministry of Railways, Government of India, Rail Bhawan, New Delhi Through its Advisor/Executive Director-1 (Land & Amenities)	Respondent No.33	Respondent No.33
34. Head Quarters, East Central Railways, Hajipur, District Vaishali (Bihar) Through its General Manager / Principal Chief Engineer	Respondent No.34	Respondent No.34

35. Dhanbad Division, East Central Railway, District Dhanbad, Jharkhand Through its Divisional Railway Manager/ Sr. Divisional engineer (co-ordination)	Respondent No.35	Respondent No.35
36. Northern Coal Field Ltd., Through CMD NCL, P.O. Singrauli Colliery, Distt. Singrauli (M.P.) Pin Code-486 889	Respondent No.36	Respondent No.36
37. Moher and Moher Amlohri Extension Coal Blocks, Through its CEO, P.O. Amlohri, District- Singrauli, M.P.- 486 887	Respondent No.37	Respondent No.37

**AN APPEAL UNDER SECTION 22 OF THE NATIONAL GREEN
TRIBUNAL ACT, 2010**

To,
The Hon'ble Chief Justice of India
and His Hon'ble Companion Judges
of the Supreme court of India

The Humble Appeal on behalf
of the Appellant above named

MOST RESPECTFULLY SHOWETH:-

1. That the Present Civil Appeal is being filed by the Appellant
against the impugned final Judgment and order dated

14.07.2020 passed by the Hon'ble National Green Tribunal Principal Bench, New Delhi in Execution Application No.22 of 2018, whereby the Hon'ble National Green Tribunal has been pleased to disposed of the Execution Application, thereby ignoring the non-compliance of various directions issued by Hon'ble National Green Tribunal in O.A. No.276 of 2013.

2. FACTS OF THE CASE:

- I. That the Singrauli Region is the Critically Polluted Zone of the Country and there are 359 Industries situated in the Singrauli Area of which 259 are located in the State of Uttar Pradesh and 80 are located in the State of Madhya Pradesh. Among these Industries, Thermal Power Plants, Aluminum, Coal Mines and stone crushers are the major categories of Industries. There are 10 Thermal Power Plants, 2 Aluminum Plants, 10 Coal Mines dozens of explosive plants, Iron Industries, Chemical Industries, Carbon Plants and more than 500 Stone Crushers. An estimated amount of about 35 million tones of Fly Ash is generated per year from the Thermal Power Plant

in the area. All the Ash dykes have reached to its saturation.

- II. That huge area (More than 3000 acres) alongwith the Govind Ballabh Pant Sagar "Rihand Reservior" has been occupied for disposal of Fly Ash. All the Ash ponds have attained their maximum height and reached their saturation and there is no further augmentation capacity for disposal of ash slurry and other Industrial Sewage. Coal Dust, Particles, Chemicals, used Oil etc is being discharged in the water bodies which are the tributary of "Rihand Reservior". The ground water is highly contaminated and people are suffering from various problems.
- III. That ground water in dozens of villages and most of the areas has been observed with high fluoride concentration. The fluoride in ground water is attributed to the ferro-aluminious soil prevailing in the area. Fluorosis is highly prevalent in the area. Higher levels of the mercury is in the ground water. The level of mercury concentration is exceeding the limit of 0.001 mg / liter in the samples collected by Core Committee in most of the places. High pH (10.9)

of the affluent being discharge in Dongia Nallah without treatment. Mercury-bearing brine sludge is stored without proper management and precaution. The over burden is also creating problem for the people of the area and also to the environment. Management of Over Burden is not being done in a scientific manner by adopting biological and engineering manner. The Balia Nallah flowing in between NTPC Shakti Nagar (U.P.) and Vindhyachal Super Thermal Power Plant (M.P.) of NTPC carries sewage as well as the effluent from the Coal Mine. The high level of heavy metals are in the soils. There is acute Air Pollution.

- IV. That the Appellant filed O.A. No.276 of 2013 before the Hon'ble National Green Tribunal against the acute pollution in the critically Polluted Zone Singrauli. The growing pollution of Air and Water due to the rampant mining, Coal Dust, Industrial Sewage, Toxic Residue has made the life of the people Singrauli miserable. True copy of the Original Application No.276 of 2013 filed by the Appellant before the National Green

Tribunal is annexed herewith as **ANNEXURE A-1**
(Pages).

- V. That the acute pollution caused by the activities of the Thermal Power Plants, Industries and Coal Mines in the Singrauli Region, causing distraction of Environment and the Industries are discharging Mercury, Fluoride, Lead and other heavy metals beyond their prescribed limits affecting the human lives and disorders in the nervous system causing tumors, health hazardous such as dental and skeletal fluorosis as per the 'Comprehensive Environmental Polluted Index Report'.
- VI. That it is submitted that vide order dated 29.01.2014, the Hon'ble National Green Tribunal had constituted the following Committee and directed as follows:-
- i). Nominee of the Secretary of MoEF not below the rank of a Directory.*
 - ii). Member Secretary, Uttar Pradesh Pollution Control Board.*
 - iii). Member Secretary, Madhya Pradesh Pollution Control Board.*
 - iv). Member Secretary, Central Pollution Control Board.*
 - v). A representative not below the rank of Director from the Ministry of Heavy Industries.*
- This Committee shall in the meanwhile inspect the*

entire area where coal mining, thermal plants, cement plants, Aluminium or explosive plants and stone crushers are located in the bordering Districts of Singrauli, Madhya Pradesh and Sonbhadra.

This Committee shall Report as regards to the adherence to prescribed standard of emissions of all the major industries, their individual emissions at the stack level, disposal of fly ash, assessment of Cumulative Impact on environment of all the industries and ambient air quality samples, and answer whether the transportation of coal and other goods to these industries is causing health hazards on the road/ streets of these two Districts.

If the answers to the above and any of the questions are in the affirmative, then according to this Expert Committee what steps are required to be taken and what alternative methods could be adopted for the transportation of coal etc.

The Committee shall comment on the implementation of the action plan for adherence to environmental parameters in critically polluted area of Singrauli which was framed by the Madhya Pradesh Pollution Control Board; apart from examining proposal of Uttar Pradesh Pollution Control Board, if any.

Let this Report be submitted within three weeks from today.

Liberty is granted to the representatives of the companies and the Applicant to represent and participate in the meetings, but we make it clear that none of the representatives of the companies or Applicant would hamper or obstruct the proceeding of the Committee.

The Member Secretary, CPCB, shall be the Chairperson of the Committee and he shall be responsible for the conduct of the meetings.

All concerned shall fully cooperate and ensure that the directions contained in this Order are carried out without default.

List this matter for hearing on 3rd March, 2014."

A true copy of order dated 29.01.2014 passed by the Hon'ble National Green Tribunal in O.A. No. 276 of 2013 is annexed herewith as **ANNEXURE A-2** (Pages).

- VII. That pursuant thereto on 14.02.2014 report of the above said committee was submitted before the Hon'ble National Green Tribunal with certain recommendations for implementation by the

respective State Governments and Industries. The above said committee also requested the Hon'ble National Green Tribunal that further investigation would be necessary to assist the impact upon property, human health and natural resources and also requested for further investigation of the area. True copy of report dated 14.02.2014 filed by the committee before the Hon'ble National Green Tribunal is annexed herewith as **ANNEXURE A-3** (Pages).

VIII. That thereafter vide order dated 25.08.2014, the Hon'ble National Green Tribunal constituted a committee of experts for monitoring of Potential Hazards of Industrial Development in Singrauli area. True copy of order dated 25.08.2014 passed by Hon'ble National Green Tribunal in O.A. No. 276 of 2013 is annexed herewith as **ANNEXURE A-4** (Pages).

IX. That it is respectfully submitted that the committee pursuant to the direction dated 25.08.2014 visited the area in question and filed its detailed reports with

the direction to the Industries concerned and State Governments to comply with the orders. The Committee constituted by the Hon'ble National Green Tribunal submitted its Final Report dated 14.08.2015 before the Hon'ble National Green Tribunal on 24.08.2015. True copy of the final Report dated 14.08.2015 filed by CPCB before the Hon'ble NGT on 24.08.2015 is annexed herewith as **ANNEXURE A-5** (Pages).

- X. That on 29.09.2015, the Hon'ble National Green Tribunal after going through the comprehensive report found that serious level of pollution is in the Singrauli area and much efforts are required besides to tackle with environment hazards that could be drastic to human health and directed the State Governments and respective pollution control board to inform Hon'ble National Green Tribunal that what steps they have proposed to take for controlling air and water pollution apart from health hazards to the public. The copy of order dated 29.09.2015 passed by the Hon'ble National Green Tribunal in O.A. No.276 of 2013 is annexed herewith as **ANNEXURE A-6**

XI. That vide order / judgment dated 06.12.2017, the Hon'ble National Green Tribunal issued directions to the respondents on the recommendations of the committee. The respondents despite orders, directions of the National Green Tribunal had also failed to comply with the recommendations dated 14.02.2014, 06.02.2015, 18.03.2015 and 20.08.2015. It is further submitted that vide Order dated 06.12.2017, the Hon'ble National Green Tribunal has also directed the Respondents to install R.O. Plants in each and every village of Singrauli Region so that the residents of the area get portable water for the drinking purposes. The Respondents despite directions have not done anything. The following are the recommendations which are required to be implemented and complied by the Respondents:-

- a. The recommendations dated 14.02.2014 given by the Committee constituted by the Hon'ble National Green Tribunal is reproduced herein below which needs to be complied -

Ref. No.	Recommendations	Whether complied or not complied
9.5.1	M.P. and U.P. State Pollution Control Board have formulated action plan with respect to each category of industries/ project and these are stipulated to the concerned industries for implementation. The industries should implement the action plans and forwarded quarterly progress reports to the respective State Pollution Control Board for reviewing the progress. The delay in implementation of action plan without any unjustified reason should be viewed seriously and penalty can be imposed in the appropriate form.	Not Complied
9.5.2	All the power plants in both the districts should immediately give due attention to stop any discharges of fly-ash slurry to Rihand reservoir or any water course (nala) within stipulated time frame prescribed by both the State Pollution Control Boards, (U.P. and M.P.)	Not complied
9.5.3	All the power plants and identified air/ water polluting industries should	Not complied

	install continuous effluent and emission monitoring devices for the consented parameters before July 2014 and date should be transmitted to concerned SPCBs and CPCB.	
9.5.4	Adequate continuous ambient air quality mentoring stations should be installed on "polluter pays principle" by the operating industries. The adequate number of stations should be located at all the appropriate locations considering prevailing wind directions and other meteorological parameters. Data from these stations should be made available to both the State Pollution Control Boards (U.P. and M.P.) and CPCB. The action should be completed before 30.09.2014.	Partly complied
9.5.5	Fly ash being observed as one of the most critical issues in the region needs immediate attention. Committee has a very clear and unanimous opinion on the issues which is as follows – Land allocation for developing ash dykes in future should be	Not complied

	done judiciously. • Comprehensive and detailed plan has to be submitted by all the power plants operating in the region clearly addressing. ○ Life of all the existing ash dykes. ○ Schedule regarding closure of all the dykes. ○ Technical/Engineering details of the closure plans. • Options for disposal of ash other than land fill were discussed by the committee in detail while visiting the area. • Taking cognizance of: Fly Ash Notification of MoEFdt. 03.11.2009 and various successful execution on disposal of ash in the quarry voids/ mined out area/ abandoned mines, committee strongly recommends the disposal of fly ash into the quarry voids, concurrent back filling of active mines and as a constituent in external OB dumps with the consent of	
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	competent authorities wherever required. The task should be taken up by the Thermal Power Plants & NCL in close co-ordination. The details of the plan in this regard including MoU signed by the two parties should be submitted to SPCB & CPCB within two months.	
9.5.6	Future expansion of any of the power project should be subject to use of super critical technology and 100% ash utilization from the day one and without further allocation of land for ash disposal.	Not complied
9.5.7	Coal transportation to power plants should only be through MGR system through railway wagons/ closed conveyor belts. Transportation of coal by trucks which leads to air pollution be discontinued / prohibited. Wherever necessary NOC of relevant department should be obtained.	Not complied
9.5.8	Both the State Pollution Control Boards (U.P. and M.P.) will ensure implementation of Action plan	Not complied

	formulated in their respective areas as finalized under Comprehensive Environmental Pollution Index (CEPI) Programme. Both the Boards may further take more appropriate action as needed for improvement of environmental quality. The liftment of moratorium should be based on improvement of ambient environmental quality in the region.	
9.5.9	The recommendations made by the Committee will not affect other ongoing action plan finalized by the State Pollution Control Boards (U.P. and M.P.), State Government Departments or by Central Government and if any action plans left out, will not necessarily mean for its non-implementation.	Not complied
9.5.10	Industrial activity and associated operations in the region needs to be monitored very closely for ensuring better compliance with the prescribed pollution control Standards Local administration under the chairmanship of District Magistrate of both the districts (Singrauli and Sonebhadra) can	Not complied

	monitor the implementation of action plan on quarterly basis and also take necessary corrective measures as and when required with proper inter-departmental co-ordination. This process was in place for some time.	
9.5.11	Considering the observations/ views mentioned in para 8.6.1, the committee suggested for setting up of Common Treatment, Storage and Disposal Facility (CTSDF) for hazardous waste from entire Singrauli (U.P. and M.P.) area of integrated management of hazardous waste. Such facility can be established at the NCL Mining project. For commissioning of such facility NCL shall provide land and ensure the tendering process. Para 8.6.1 is reproduced here – "8.6.1The Committee observed that all the three inspected coal mines (Dudhichua, Khadia and Bina-extension) and the two power plants are not managing their hazardous waste as per Rules. Used oil being generated by the two sectors is the	Not complied

	major hazardous waste which is being disposed of through MSTC to re-refiners. Other miscellaneous hazardous waste is being disposed at CTSDFs which are located considerably far from Singrauli area (more than 600 KM). It is understood by the committee that the procedure being followed by the industries regarding management of hazardous waste do not conform the provisions of HW Rules. Besides above it is also understood that the distant transport of hazardous waste is also associated with higher energy consumption and accidental risk".	
9.5.12	Road condition in the entire region particularly in the two districts i.e. Singrauli in M.P. and Sonebhadra in U.P. are in dilapidated condition and are not safe for either public transport or for transportation of industrial material, product or waste by heavy vehicles. There will always remain a danger if road conditions are not improved and due care is not taken by the concerned industries, authorities and transporters for ensuring safety of	Not complied

	public at large. Government of both the States should immediately undertake construction of road at the earliest possible and the status of progress should be reviewed on quarterly basis.	
9.5.13	Standard for truck bodies specifically for coal transport by road should be framed by Ministry of Road Transport and Highways to avoid possibility of coal spillage in-transit.	Not complied
9.5.14	Action or priority is required towards managing mine overburden for providing adequate vegetative cover leading to prevent slope failure and siltation in water courses leading to Rihand reservoir.	Not complied
9.5.15	All mines of NCL should submit and execute the approved mine closure plan strictly in accordance to the guidelines issued by Ministry of Coal vide letter dated 07.06.2013.	Not complied
9.5.16	Attention is necessary to address the issue of siltation due to coal particles in water courses because of poor management of coal mine effluent.	Not complied

9.5.17	Regional Environmental Carrying capacity of the entire region is required to be assessed to determine whether further development (industrialization) should be permitted or not and that too after taking public health into account as well as of flora and fauna. Regular satellite imagery should be taken for assessment of improvement in Rihand Reservoir.	Not complied
9.5.18	Although the Committee due to its limitations could not deeply examine the issues of groundwater pollution, impact of pollution on crops, deleterious affect on population residing in the region, toxic impact on environment with particular reference to mercury, a systematic study in a holistic manner is required to be undertaken. Such study can be undertaken by engaging reputed institution.	Complied
9.5.19	The recommendations of this Committee may be taken for creating future impacts and would be necessary for implementation. Further alternatives and better	Not

	modifications to any of the given recommendations in true spirit may be considered.	
9.5.20	At present approximately 700 trucks /day are transporting the coal from railway yard to the project site of Renusagar Power Plant (HINDALCO). It has been proposed to replace the present system of road transportation by Tube Conveyor. The construction of Tube Conveyor could not be completed for want of permission from Railways. Accordingly the Railways may be directed to grant permission for the same.	complied

Further, vide recommendations dated 06.02.2015 given by the Committee constituted by the Hon'ble National Green Tribunal is reproduced herein below which needs to be complied -

Ref. No.	Recommendations	Whether complied or not complied

9.1	Presently, Dongia, Murdhawa, Balia Nallah and numerous small drains carrying industrial waste are drained in to Rihand Reservoir which has a potential to be used as drinking water resource. It should be mandatory that the industries should recycle the waste water within their premises and practice a zero discharge. Multiple effect evaporators should be used for bleed-offs, if any. All arrangements should be in place within three months. In the meantime all such drains should be intercepted and diverted for treatment and disposal/use (in agriculture) and no discharge should be made in Rihand Reservoir. These compliances should be implemented within three months. Heavy penalty should be imposed on erring industry (ies) for non-compliance.	Not complied
9.2	Anpara (A&B), Obra of UPRVVNL and Anpara C of M/s Lanco Power must complete their ash	Not complied

	water recirculation system scheme by 31 st July 2015.	
9.3	The concerned states shall have domestic and municipal waste treatment plants (STPS). As an interim arrangement, the sewage should be given a primary setting and chemical treatment. This arrangement should be in place within three months.	Not complied
9.4	The discharge from ETP and STPs shall conform to surface water standard and used for industrial purposes.	Not complied
9.6	No treated/partially treated/untreated effluent shall find a way to Rihand reservoir.	Not complied
9.7	The fluoride affected villages must be supplied with safe drinking water under the supervision of the District Administration. All the tube wells supplying contaminated water should carry boards informing public not to use the same for drinking purposes. District	Partly complied

	Administration should file compliance report to SPCB every month.	
9.8	Fly ash transport should be carried out in covered vehicle. A manifest system, similar to hazardous waste transport, must be followed to avoid illegal dumping of fly ash.	Not complied
9.9	Pipe conveying system for transportation of coal from Krishnasila coal mine of NCL to Renusagar Power Plant to be completed after obtaining necessary permission from Railways. The concerned Railways Department may be directed to expedite the permission without further delay.	complied
9.10	All brick lines located within 100 km area of fly ash generation in Singrauli area should use 25% fly ash in clay brick manufacturing within 3 months as per notification dated August 27, 2003 issued by Ministry of Environment & Forests. Non-	Not complied

	compliances must lead to closure by SPCB.	
9.11	All the coal mines in Singrauli area shall ensure that their waste water from different processes is integrated and subjected to treatment in effluent treatment plant. Entire treated effluent shall be reused in dust suppression on haul roads, irrigation on mine overburden and other associated operations which shall eventually result in zero discharge from coal mines.	Not complied
9.12	All stone crusher, without effective dust suppression system and not having consent, should be closed forthwith. Stone crushers provided with dust suppression system, can be allowed to operate.	Not complied

9.13	Existing AAQ monitoring network in both the districts of UP & MP need to be expanded to get representative air quality status of Singrauli area. NEERI/IIT, Kanpur and local agencies/NGOs may be involved for regular monitoring of AAQ at selected locations.	Partly complied
9.14	Mercury monitoring in ambient air may not be possible manually. The committee is of the opinion that continuous monitoring system for Hg monitoring at least at three locations should be installed (covering both Districts of UP & MP) in Singrauli area on polluter pay principle's	Not complied
9.15	The Committee is of the opinion that a comprehensive carrying capacity study in critically polluted area of districts Singrauli and Sonebhadra be carried out in order to make an assessment of environmental quality for future industrialization in the area.	Not complied

- b. The recommendations dated 18.03.2015 given by the Committee constituted by the Hon'ble National Green Tribunal is reproduced herein below which needs to be complied -

Ref No.	Recommendations	Whether complied or not complied
	Thermal Power Plants	
4.1.1	Anpara Thermal Power Plant (A & B) of Uttar Pradesh Rajya Vidyut Utpadan Nigam Limited (URPVUNL) 4.1.1.1 That the plant shall complete their ash water recirculation system scheme by 31st July 2015 and stop discharge of ash pond over flow in Rihand reservoir.	Not complied
4.1.1.2	That the plant shall achieve target of 100% fly ash utilization as per the 2009 notification, thus it shall submit time targeted action plan to concerned State Pollution	Not complied

	Control Boards and regularly submit quarterly compliance report.	
4.1.1.3	That the plant shall install and renovate Electrostatic Precipitators on or before 31 st December 2015 to achieve emission limit of 100 mg/Nm ³ as per the long term action plan prepared under CEPI programme for improvement of air quality of Singrauli area.	Not complied
4.1.1.4	That the plants shall use beneficiated coal not containing ash more than 34% as per the January 02, 2014 notification and submit compliance to concerned SPCBs on quarterly basis. This will help in reduction of fly-ash generation and effective control of emission of particulate matter.	Not complied
4.1.2.1	4.1.2 Obra Thermal Power Plant of UPRVUNL That the plant shall complete their ash water recirculation system scheme by 31 st July 2015 and stop discharge of ash	Not complied

	pond over flow in Rihand reservoir.	
4.1.2.2	That the plant shall achieve target of 100% fly ash utilization as per the 2009 notification, thus it shall submit time targeted action plan to concerned State Pollution Control Boards and regularly submit quarterly compliance report.	Not complied
4.1.2.3	That the plant shall install and renovate Electrostatic Precipitators on or before 31 st December 2015 to achieve emission limit of 100 mg/Nm ³ as per the long term action plan prepared under CEPI programme for improvement of air quality of Singrauli area.	Not complied
4.1.2.4	That the plants shall use beneficiated coal not containing ash more than 34% as per the January 02, 2014 notification and submit compliance to concerned SPCBs on quarterly basis. This will help in reduction of fly ash generation and	Not complied

	effective control of emission of particulate matter.	
4.1.3.1	4.1.3 Shaktinagar Super Thermal Power Plant of NTCP Ltd. That the plant shall stop discharge of sewage into BalliaNallah. The sewage from the plant colony should be treated and reused for gainful purposes such as gardening.	Not complied
4.1.3.2	That the plant shall achieve target of 100% fly ash utilization as per the 2009 notification, thus it shall submit time targeted action plan to concerned State Pollution Control Boards and regularly submit quarterly compliance report.	Not complied
4.1.3.3	That the plant shall install and renovate Electrostatic Precipitators on or before 31st December 2015 to achieve emission limit of 100 mg/Nm³ as per the long term action plan prepared under CEPI programme	Not complied

	for improvement of air quality of Singrauli area.	
4.1.3.4	That the plants shall use beneficiated coal not containing ash more than 34% as per the January 02, 2014 notification and submit compliance to concerned SPCBs on quarterly basis. This will help in reduction of fly-ash generation and effective control of emission of particulate matter.	Not complied
4.1.4.1	4.1.4 Rihand Super Thermal Power Plant of NTPC Ltd. That the plant shall achieve target of 100% fly ash utilization as per the 2009 notification, thus it shall submit time targeted action plan to concerned State Pollution Control Boards and regularly submit quarterly compliance report.	Not complied
4.1.4.2	That the plant shall install and renovate Electrostatic Precipitators on or before 31 st December 2015 to achieve	Not complied

	emission limit of 100 mg/Nm ³ as per the long term action plan prepared under CEPI programme for improvement of air quality of Singrauli area.	
4.1.4.3	That the plants shall use beneficiated coal not containing ash more than 34% as per the January 02, 2014 notification and submit compliance to concerned SPCBs on quarterly basis. This will help in reduction of fly ash generation and effective control of emission of particulate matter.	Not complied
4.1.5.1	4.1.5 Anpara C thermal power plant of M/s Lanco Power That the plant power shall complete their ash water recirculation system scheme by 31 st July 2015 and stop discharge of ash pond over flow in Rihand reservoir.	Not complied
4.1.5.2	That the plant shall achieve target of 100% fly ash utilization as per the 2009 notification, thus it shall submit time targeted action plan to	Not complied

	concerned State Pollution Control Boards and regularly submit quarterly compliance report.	
4.1.5.3	That the plans shall use beneficiated coal not containing ash more than 34% as per the January 02, 2014 notification and submit compliance to concerned SPCBs on quarterly basis. This will help in reduction of fly ash generation and effective control of emission of particulate matter.	Not complied
4.1.6.1	4.1.6 Vindhyachal Super Thermal Power Plant of NTCP Ltd. That the plant shall achieve target of 100% fly ash utilization as per the 2009 notification, thus it shall submit time targeted action plan to concerned State Pollution Control Boards and regularly submit quarterly compliance report.	Not complied

4.1.6.2	That the plant shall install and renovate Electrostatic Precipitators on or before December 2015 to achieve emission limit of 100 mg/Nm ³ as per the long term action plan prepared under CEPI programme for improvement of air quality of Singrauli area.	Not complied
4.1.6.3	That the plants shall use beneficiated coal not containing ash more than 34% as per the January 02, 2014 notification and submit compliance to concerned SPCBs on quarterly basis. This will help in reduction of fly ash generation and effective control of emission of particulate matter.	Not complied
4.1.7.1	4.1.7 Captive Power Plant (Renusagar Power Company of M/s Hindalco Industries Ltd.) That the plant shall achieve target of 100% fly ash utilization as per the 2009 notification, thus it shall submit time targeted action plan to concerned State Pollution	Not complied

	Control Boards and regularly submit quarterly compliance report.	
4.1.7.2	That the plant shall install and renovate Electrostatic Precipitators on or before December 2015 to achieve emission limit of 100 mg/Nm ³ as per the long term action plan prepared under CEPI programme for improvement of air quality of Singrauli area.	Not complied
4.1.7.3	That the plants shall use beneficiated coal not containing ash more than 34% as per the January 02, 2014 notification and submit compliance to concerned SPCBs on quarterly basis. This will help in reduction of flyash generation and effective control of emission of particulate matter.	Not complied
4.1.7.4	That the plant shall commission Pipe Conveyor System for transportation of coal from Krishanshila coal mine of NCL to Renusagar Power Company within three months and shall	Complied

	stop transportation of coal by truck thereafter.	
4.2.1	4.2 Aluminum Smelter : M/s Hindalco Industries, Renukoot That the industry shall achieve emission limit of 50 mg/Nm³ for particulate matter in respect of Baking furnace No. 4 & 5.	Not complied
4.2.2	That the industry shall facilitate utilization of Red Mud in nearby cement industries and concerned State Pollution Control Boards shall suitably issue operating mechanisms under the Water & Air (Prevention and Control of Pollution) Act, 1974 & 1081 respectively.	Not complied
4.2.3	That industry shall submit an action plan within three months to achieve zero effluent discharge by adopting best management practices for recycling and reusing the treated waste.	Not complied
4.3.1	4.3 M/s Aditya Birla Chemicals, Renukoot That the industry shall ensure	Not complied

	proper treatment of effluent and shall ensure of compliance of effluent discharge limit prescribed by State Pollution Control Board in consent to operate.	
4.3.2	That industry shall submit an action plan within three months to achieve zero effluent discharge by adopting best management practices for recycling and reusing the treated waste.	Not complied
4.4.1	4.4 M/s Northern Coalfields Limited (NCL) That all the coal mines of NCL in Singrauli area shall ensure that their waste water from different processes is integrated and subjected to treatment in effluent treatment plant. Entire treated effluent shall be reused in dust suppression on haul roads, irrigation on mine over burden and other associated operations which shall eventually result in zero discharge from coal mines.	Not complied

4.4.2	That NCL shall provide land for setting up of Common Treatment, Storage and Disposal Facility ⁶ (CTSDF) for hazardous waste from entire Singrauli (U.P. and M.P.) area for integrated management of hazardous waste. The State Pollution Control Boards shall also issue necessary approvals for setting of the TSDF.	Not complied
4.4.3	That NCL shall take action measures to manage mine overburden for providing adequate vegetative cover to prevent slope failure and siltation in water courses leading to Rihand reservoir.	Not complied
4.4.4	That all mines of NCL should submit and execute the approved mine closure plan strictly in accordance to the guidelines issued by Ministry of Coal vide letter dated 07.06.2013.	Not complied

4.4.5	That all the mines of NCL shall ensure supply of beneficiated coal not containing ash more than 34% to the thermal power plants in Singrauli area (both UP & MP)j as per the January 02,	Not complied
4.4.6	That NCL and power plants shall prepare an action plan for the disposal of fly ash into the quarry voids, concurrent back filing of active mines and as a constituent in external OB dumps with the consent of competent authorities wherever required. The plants and NCL will sign a MOU as per action plan and submit to concerned SPCBs within 2 months time.	Not complied
4.5.1	4.5 Stone crushers That all stone crusher, without effective dust suppression system and not having consent, should be closed forthwith. Stone crushers provided with dust suppression system, can be allowed to operate. The concerned State Pollution Control Board shall ensure compliance of the same.	Not complied

4.6	General Recommendations for overall improvement of environmental conditions in Singrauli area.	Not complied
4.6.1	That a comprehensive carrying capacity study in critically polluted area of districts Singrauli and Sonebhadra be carried out in order to make an assessment of environmental quality for future industrialization in the area. The study should be sponsored by the all the industries in the area and coordinated by Local District Administration.	Not complied
4.6.2	That District administration (UP & MP) shall ensure the implementation of action plan formulated in their respective area under Comprehensive Environmental Pollution Index (CEPI) Programme. For monitoring of implementation of action plan, an authority under District Administration, Sonebhadra, UP comprising concerned SPCBs, representative	Not complied

	from Zonal Office, CPCB Lucknow can be formed as Special Purpose Vehicle (SPV).	
4.6.3	That industries shall provide on line monitoring systems for emissions and effluent discharge and also strengthen existing AAQ monitoring network in both the districts of UP & MP need to be expanded to get representative air quality status of Singrauli area. Industries in the area should install at least three continuous ambient air quality monitoring stations within six months on "Polluter Pays Principle" at the locations to be decided in consultation of CPCB and respective SPCBs.	Not complied
4.6.4	That continuous monitoring system for mercury (Hg) monitoring should be installed (covering both Districts of UP & MP) at least three locations in Singrauli area by the industries on "Polluter Pays Principle" within six months. The concerned SPCHBs shall ensure	Not complied

	installation of mercury monitoring system besides their regular operation & maintenance and date reporting.	
4.6.5	That fluoride affected villages be supplied with safe drinking water under the supervision of the District Administration. All the tube wells supplying contaminated water should carry boards informing public not to use the same for drinking purposes. District Administration should file compliance report to SPCB every month.	Partly complied
4.6.6	That regular monitoring in Rihand reservoir through remote sensing should introduced by the concerned SPCBs, in order to make assessment of silting of Rihand reservoir due spillage of flyash from the ash ponds located on periphery of the reservoir.	Not complied

- c. The recommendations dated 20.08.2015 given by the Committee constituted by the Hon'ble National Green Tribunal is reproduced herein below which needs to be complied -

Ref. No.	Recommendations	Whether complied or not complied
6.1	Thermal Power Plants	
6.1.1	That all Thermal Power Plants in Sonehbhadra and Singrauli Districts shall submit a road map and make all out efforts to achieve target of fly ash utilization as per the Notification of 2009. If needed, the plants shall install their own brick and block manufacturing units at suitable sites and these bricks/ blocks shall be made mandatory to be used in the buildings and other construction activities as per the notification issued by MoEF&CC time to time. The State Government may declare a utilization zone for such purpose. The plants shall submit quarterly compliance report to the concerned State Pollution Control Boards.	Not complied
6.1.2	That as per the provisions of the Notification of 2009, 25%	Not complied

	percent of fly ash should be utilized along with Over Burden (OB). Therefore, all Thermal Power Plants and Coal Mines in Sonebhadra and Singrauli District should be asked to study the feasibility of disposal of flyash in coal mines along with (OB) under the guidance of the Directorate General of Mine Safety (DGMS). An action plan in this regard shall be prepared including the mode of transportation of flyash from power plants to coal mine sites.	
6.1.3	That all Thermal Power Plants in Sonebhadra and Singrauli Districts shall be supplied with and use coal not containing ash content more than 34% on quarterly average basis as stipulated vide Notification No. GSR (E) dated January 02, 2014.	Not complied
6.1.4	That Anpara (A&B) and Obra Thermal Power Plants of Uttar Pradesh Rajya Vidyut Utpadan Nigam Ltd. (UPRVUNL) & Anpara	Not complied

	C Thermal Power Plant of M/s Lanco Power shall complete their ash water recirculation system and stop discharge of ash pond overflow in Rihand Reservoir.	
6.1.5	That Shaktinagar, Rihand, Vindhyachal Thermal Power Plants of NTPC Ltd. and Anapara (A&B) and Obra Thermal Power Plants of UPRVUNL shall install and renovate Electrostatic Precipitators to achieve emission limit of 100 mg/Nm ³ as per the long-term action plan prepared under CEPI programme for improvement of air quality of Singrauli area.	Not complied
6.1.6	That Shaktinagar Super Thermal Power Plant of NTPC Ltd. shall stop discharge of sewage into BalliaNallah with immediate effect. The sewage into Ballia Nallah with immediate effect. The sewage from the plant should be treated to meet the statutory requirements for recycle and reuse, for gainful purposes such as gardening.	Not complied

6.1.7	That Captive Power Plant (Renusagar Power Company) of M/s Hindalco Industries Ltd. shall commission Belt Pipe Conveyor System for transportation of coal from Krishanshila Coal Mine of NCL to Renusagar Power Company within a month and shall immediately stop transportation of coal by trucks thereafter.	Not complied
6.1.8	That the hazardous waste generated from the power plants shall be disposed off through either authorised Treatment, Storage & Disposal Facility (TSDF) or registered recycles/ users of the hazardous waste. The plants shall obtained authorization for the same from the concerned State Pollution Control Boards under the Hazardous Waste (management & handling) Rules, 2009.	Not complied
6.2	Aluminum Smelter: M/s Hindalco Industries, Renukoot	

6.2.1	That the industry shall achieve emission limit of 50 mg/Nm ³ for particulate matter in respect of Baking furnace No.3 & 4. The emission from baking furnace No.5 should also be limited to 50 mg/Nm ³ .	Not complied
6.2.2	That the industry shall ensure that no red mud is leached out to ground water during monsoon and post monsoon period. Besides, industry shall facilitate utilisation of Red Mud. The industry shall also explore the possibility of extraction of titanium and other heavy metals from the Red Mud.	Not complied
6.2.3	That the industry shall submit an action plan by October 31, 2015 to achieve zero discharge of waste water by December 31, 2016.	Not complied
6.2.4	That the hazardous waste generated from the industry shall be disposed off through either TSDF or registered recyclers/ users of the hazardous waste. The industry	Not complied

	shall obtained authorization for the same from the concerned State Pollution Control Boards under the Hazardous Waste (Management & Handling) Rules, 2009.	
6.3	M/s Aditya Birla Chemicals, Renukoot	
6.3.1	That the industry shall ensure installation and proper operation of effluent treatment plant so as to ensure the compliance of the effluent discharge standard. The industry shall also insure that no untreated/ improperly treated effluent finds its way in to the Nallah leading to the Rihand Reservoir.	Not complied
6.3.2	That the industry shall submit an action plan within one month so as to achieve zero discharge of wastewater by July 31, 2016.	Not complied
6.3.3	That the hazardous waste generated from the industry shall disposed off through either authorised Treatment, Storage & Disposal Facility (TSDF) or	Not complied

	registered recyclers/ users of the hazardous waste. The industry shall obtained authorization for the same from the concerned State Pollution Control Boards under the Hazardous Waste (Management & Handling) Rules, 2009.	
6.4	M/s Northern Coalfields Limited (NCL)	
6.4.1	That all the coal mines of NCL in Singrauli area shall ensure that their wastewater from different processes is integrated and subjected to treatment in the effluent treatment plant. Entire treated effluent shall be reused in the dust suppression on haul roads, irrigation on mine overburden and other associated operations which shall eventually result in zero discharge of wastewater from the coal mines.	Not complied
6.4.2	That all coal mines of NCL should use 25% flyash from thermal power plants on volume to volume basis for external dump of overburden and also	Not complied

	25% of the over burden in the upper benches of backfilling of exhausted pits of all open cast mines of NCL under the guidance of DGMS as per Notification dated November 03, 2009. Further, the external dump and exhausted pits should be scientifically reclaimed using suitable biological and engineering measures.	
6.4.3	That all coal mines of NCL shall ensure the compliance of the Notification of 2014 on the supply and use of beneficiated coal to thermal power plants in the Singrauli area.	Not complied
6.4.4	That all coal mines shall ensure that transportation of coal shall only be either by railway wagons or by the dedicated conveyor system. No transportation of coal shall be permitted by road to any of the industries in the Singrauli area.	Not complied
6.4.5	That all hazardous waste generated from the coal mines shall dispose off through either	Not complied

	authorised TSDF or registered recyclers/ users of the hazardous waste. The coal mines shall obtained authorization for the same from the concerned State Pollution Control Boards under the Hazardous Waste (Management & Handling) Rules, 2009.	
6.5	Stone Crushers	
6.5.1	That all stone crushers which operate without effective dust suppression system and without the consent of the concerned SPCB shall be closed forthwith. Feasibility should be assessed for providing wind breaking walls towards upwind direction to prevent dispersion of fugitive dust.	Not complied
6.5.2	That the concerned State Pollution Control Boards , in consultation with the Central Pollution Control Board, shall also look into the ambient air quality of the area in the 500 m zone from the crushers and suggest and enforce such	Not complied

	measures as may be necessary to reduce the fugitive dust emission from the crushers. If necessary, the dust emission norms/ norms for the ambient air quality in the immediate vicinity of the crushers shall be reviewed and made more stringent.	
6.6	Pollution Control Boards and MoEF & CC.	
6.6.1	That the expansion of the existing industries and permission for installation of new industries should only be considered after ensuring that the cumulative impact of emissions and effluents on ambient air and water quality of the area shall not exceed the prescribed limits.	Not complied
6.6.2	That the UP & MP Pollution Control Boards shall ensure the implementation of Action Plan formulated in their respective areas under Comprehensive Environmental Pollution Index (CEPI) Programme. Besides,	Not complied

	SPCBs shall ensure compliance with respect to emission, effluent and solid waste management by the industries and submit a progress report to the Regional Office of MoEF& CC and CPCB regularly.	
6.6.3	That the industries shall provide on- line monitoring systems for emissions and effluent discharge and the data generated shall be transferred to respective SPCB and the CPCB on continuing basis.	Not complied
6.6.4	That the existing network of monitoring system for AAQ monitoring in both the districts of UP & MP need to strengthened and expanded to get representative air quality status of Singrauli area. Industries in the area should install at least three continuous ambient air quality monitoring stations within six months on "Polluter Pays Principle" at such locations as may be decided by CPCB in consultation with the respective	Not complied

	SPCBs. The data generated should be transferred to SPCBs and CPCB on continuing basis.	
6.6.5	That the levels of mercury in ambient and ground and surface water is reported to be one of the major problems in Singrauli area. Therefore, it is essential that at least three continuous monitoring systems for mercury (Hg) monitoring in the ambient air and surface and ground water should be installed (covering both the Districts of UP & MP) at suitable locations in the Singrauli area by the industries on "Polluter Pays Principle". CPCB in consultation with the SPCBs shall guide the industries in the location of the monitoring stations.	Not complied
6.7	District Administration of respective States	
6.7.1	That poor road conditions in the area are also one of the major sources of pollution. It is, therefore, recommended that the respective State	Not complied

	Governments should take immediate measures to improve the road conditions in the area in a time bound manner and ensure the regular maintenance of the roads.	
6.7.2	That fluoride affected villages must be supplied with safe drinking water (RO treated water) under the supervision of the District Administration. All the tube wells supplying contaminated water should install SIGN BOARDS informing public not to use the tube well water for drinking purposes. The concerned Departments (Irrigation/ Jal Nigam) of the State Administration should submit a compliance report to Regional Office of MoEF& CC every month. The maintenance of these RO systems along with education of residents about proper method and benefits of RO water shall also be ensured.	Partly complied
6.7.3	That the concerned Departments (Irrigation/ Jal Nigam) of the	Not complied

	State Administration shall also ensure proper disposal of the RO rejects, so as not to affect the ground water and surface water streams and the soil of the area.	
6.7.4	That as the patients with clinical manifestation suggestive of fluorosis were also noted to have severe malnutrition. Therefore, mineral and nutrient supplements for these areas should be ensured by the District Administration.	Not complied
6.7.5	That the patients with clinical manifestations suggestive of fluorosis must be monitored for their health through a scientific plan of periodic checkup as recommended by KGMU, AIIMS, Bhopal and IMS, BHU. Dental as well as bone fluorosis can be improved, if detected in the early stage.	Not complied
6.7.6	That considering the reports of the clinical examination and recommendations by the Sub-Committee on Health, it is essential that a Standard	Not complied

	Toxicological Testing and Analysis Laboratory should be established in the region.	
6.7.7	That there is need to train Health care workers including Doctors for identifying the sources of diseases due to fluoride/ mercury emission/ discharge and treating the affected patients. Therefore, Training Centres can be established in KGMU, Lucknow and AIIMS, Bhopal for such a purpose.	Not complied
6.7.8	That there is a number of health related issues like silicosis, fluorosis, and the impact of mercury on the people in the area, which need to be examined in detail. Therefore, a long term project needs to be planned with proper funding and adequate manpower under "Polluter Pays Principle" for estimating the magnitude of health related problem in the area.	Not complied

XII. That thereafter the Hon'ble National Green Tribunal vide order dated 06.12.2017 issued certain directions or recommendations to the Respondents and also directed the Respondents to install R.O. System for portable water in each and every village of Singrauli Region. The Order dated 06.12.2017 is reproduced herein below for the kind perusal of this Hon'ble Court:-

"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 reports 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 without any further delay. The Committee shall consist of the following 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) ZilaPanchayatAdyayksh 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 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 Principal 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, both the State Pollution Control Boards alongwith the Department alongwith 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 compliance of the directions may be like installation of ETP or any other anti-pollution devises 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 application i.e. Original Application No. 276 of 2013 and Original Application No. 20 of 2014 stand dispose of without any order as to cost."

True copy of the order dated 06.12.2017 passed by the Hon'ble National Green Tribunal in O.A. No.276 of 2013 is annexed herewith as **ANNEXURE A-7** (Pages).

XIII. That vide order / judgment dated 06.12.2017 the Hon'ble National Green Tribunal constituted two separate committees of Respondents for implementation of the recommendations made by the Core Committee in their reports and also directed that the said Committees in their respective states shall be

responsible for the implementation of those direction without any further delay.

XIV. That the directions issued by the Hon'ble National Green Tribunal have not complied by the respondents therefore, the Appellant filed an Execution Application No.22 of 2018 under Section 26 & Section 27 of the National Green Tribunal Act, 2010. True copy of the Execution Application No.22 of 2018 filed by the Appellant before the Hon'ble National Green Tribunal, dated 26.03.2018 is annexed herewith and marked as

ANNEXURE-A-8 (Pages).

XV. That in compliance of the order dated 06.12.2017, the Core-Committee filed report filed its report dated 06.12.2017 which was registered as O.A No.164 of 2018. It is respectfully submitted that despite the directions and despite various visits of Committee, the orders / directions issued by NGT not complied on ground. True copy of the report filed by the Core-Committee before the Hon'ble NGT is annexed herewith as **ANNEXURE A-9 (Pages).**

- XVI. That on 28.08.2018, Hon'ble National Green Tribunal constituted an oversight Committee under the Chairmanship of Hon'ble Justice Rajesh Kumar (Retd. Judge of Hon'ble Allahabad High Court). His tenure continued till December, 2019. However, the respondents deliberately failed to comply with the directions issued by the Oversight Committee. True copy of the order dated 28.08.2018 passed by the Hon'ble NGT in O.A. No.276 of 2013 is annexed herewith as **ANNEXURE A-10 (Pages)**.
- XVII. That the Hon'ble National Green Tribunal vide Order dated 14.07.2020 only issued directions with regard to the Fly Ash generated by the Power Plants. However, the other various directions issued by the Hon'ble NGT were not looked into. True copy of the order dated 14.07.2020 passed by the Hon'ble NGT in O.A No.276 of 2013 is annexed herewith as **ANNEXURE A-11 (Pages)**.
- XVIII. That some of the Respondents / Project Proponents have approached before this Hon'ble Court by filing Civil Appeals, which are pending before this Hon'ble Court. The Hon'ble Court has issued notice and

interim orders have been passed on specific prayers.

The details of the aforesaid cases are as under:-

(i) NORTHERN COALFIELDS LTD Vs. ASHWANI KUMAR DUBEY & Ors. C.A. No.4251-4252 of 2019

(ii) LANCO ANPARA POWER LIMITED Vs. ASHWANI KUMAR DUBEY & Ors. C.A. No.5324-5325 of 2019

(iii) GRASIM INDUSTRIES LIMITED (EARLIER ADITYA BIRLA CHEMICAL INDUSTRIES LIMITED) Vs. ASHWANI KUMAR DUBEY & Ors. C.A. No.8401-8404 of 2019

(iv) VINDHYACHAL SUPER THERMAL POWER STATION Vs. ASHWANI KUMAR DUBEY & Ors. C.A. No.3087 of 2020

(v) HINDALCO INDUSTRIES LIMITED RENUKOOT PLANT Vs. ASHWANI KUMAR DUBEY & Ors. C.A. No.15-16 of 2020

3. That the situation in the Singrauli Region is becoming worst day by day due to non-compliance of the Orders passed by Hon'ble NGT. Thus, the Petitioner being aggrieved by the Order dated 14.07.2020 is filing the present Appeal on the following amongst other grounds:-

- A. Because the Respondents have deliberately not complied with the directions of the Hon'ble National Green Tribunal, thereby wasting the precious judicial time and resources.
- B. Because the act of the respondents by first of all giving their consent to execute the orders and then

failing to comply with the orders of the Hon'ble National Green Tribunal and sitting silent, clearly shows that the respondents are not clear their actions and due to all this even the applicant is subjected to ordeal.

- C. Because Singrauli Region is the Critically Polluted Zone of the Country and there are 359 Industries situated in the Singrauli Area of which 259 are located in the State of Uttar Pradesh and 80 are located in the State of Madhya Pradesh. Among these Industries, Thermal Power Plants, Aluminum, Coal Mines and stone crushers are the major categories of Industries. There are 10 Thermal Power Plants, 2 Aluminum Plants, 10 Coal Mines dozens of explosive plants, Iron Industries, Chemical Industries, Carbon Plants and more than 500 Stone Crushers. An estimated amount of about 35 million tones of Fly Ash is generated per year from the Thermal Power Plant in the area. All the Ash dykes have reached to its saturation.
- D. Because huge area (More than 3000 acres) alongwith the Govind Ballabh Pant Sagar "Rihand Reservior" has

been occupied for disposal of Fly Ash. All the Ash ponds have attained their maximum height and reached their saturation and there is no further augmentation capacity for disposal of ash slurry and other Industrial Sewage. Coal Dust, Particles, Chemicals, used Oil etc is being discharged in the water bodies which are the tributary of "Rihand Reservoir". The ground water is highly contaminated and people are suffering from various problems.

- E. Because the ground water in dozens of villages and most of the areas has been observed with high fluoride concentration. The fluoride in ground water is attributed to the ferro-alluminous soil prevailing in the area. Fluorosis is highly prevalent in the area. Higher levels of the mercury is in the ground water. The level of mercury concentration is exceeding the limit of 0.001 mg / liter in the samples collected by Core Committee in most of the places. High pH (10.9) of the affluent being discharge in Dongia Nallah without treatment. Mercury-bearing brine sludge is stored without proper management and precaution. The over burden is also creating problem for the

people of the area and also to the environment. Management of Over Burden is not being done in a scientific manner by adopting biological and engineering manner. The Balia Nallah flowing in between NTPC Shakti Nagar (U.P.) and Vindhyachal Super Thermal Power Plant (M.P.) of NTPC carries sewage as well as the effluent from the Coal Mine. The high level of heavy metals are in the soils. There is acute Air Pollution.

- F. Because despite various orders passed to restore the environment and instead of asking for the Industries to submit the compliance report dismissed the executing application. The Hon'ble National Green Tribunal only directed to look into the issue of Fly Ash and ignored rest of the orders / direction / suggestion made from time to time which were part of the Order of the Hon'ble National Green Tribunal.
- G. Because Section 26 of the National Green Tribunal Act, 2010 which provides for penalty for failure to comply with the orders of the Hon'ble National Green Tribunal, the Section categorically states that in case

of failure to comply with the directions by the company shall attract fine of 25 Crores rupees.

- H. Because Section 28 of the Acts define offences by the Companies and states that every person who at the time the offence was committed was directly incharge of and was responsible to the company for the conduct of the business of the company, as well as the company shall be deemed to be guilty of the offence.
- I. Because by a bare perusal of the above mentioned provisions it is clear that any deviation from compliance of the orders of the Hon'ble National Green Tribunal shall be dealt strictly with cost and strict punishment.
- J. Because on 25.08.2014, the Hon'ble National Green Tribunal considering the critical pollution in Singrauli Region (District-Singrauli, Madhya Pradesh and District-Sonbhadra, Uttar Pradesh) constituted a Core Committee of experts for monitoring of Potential hazards of Industrial Development in Singrauli Area. The Hon'ble National Green Tribunal also constituted the five Sub-Committees for quantification of

Industrial Impacts, Potential Impact of Pollution on Water Resources, Potential Impact of Pollution on Land Resources, Potential Impact of Pollution on Air quality and Potential Impact of Pollution on Health and directed the Committees to submit the Report.

- K. That pursuant to the order dated 25.08.2014, the Core Committee and other Sub-Committees submitted their Reports citing the critical pollution in the area and also directed each of the Industries to comply with the various directions given separately. The Hon'ble Tribunal also constituted a committee for compliance of the orders, however, the orders of the Hon'ble National Green Tribunal was deliberately not complied by the respondents. Accordingly, Appellant filed Execution Petition No.22 of 2018.
- L. Because the orders have not been complied by the respondents and polluting Industries. As a matter of fact, Hon'ble National Green Tribunal also did not look into the entire directions passed and dismissed the execution petition.

- M. That the Appellant had filed O.A. No.276 of 2013 before the Hon'ble National Green Tribunal against the acute pollution in the critically Polluted Zone Singrauli. The growing pollution of Air and Water due to the rampant mining, Coal Dust, Industrial Sewage, Toxic Residue has made the life of the people of Singrauli Region miserable.
- N. Because the acute pollution caused by the activities of the Thermal Power Plants, Industries and Coal Mines in the Singrauli Region, causing distraction of Environment and the Industries are discharging Mercury, Fluoride, Lead and other heavy metals beyond their prescribed limits affecting the human lives and disorders in the nervous system causing tumors, health hazardous such as dental and skeletal fluorosis as per the 'Comprehensive Environmental Polluted Index Report'.
- O. Because the Respondent Industries are continuously disposing Toxic Residue and Industrial Waste in the Govind Vallabh Pant Sagar "Rihand Reservoir" other water bodies of the area, in nearby villages by which the all water bodies have become critically polluted

resultantly damaging the health and life of people living in the Singrauli Region.

- P. Because vide order dated 06.12.2017, the Hon'ble NGT also directed the Industries included Stone Crushers to Install RO plants in each and every village of Singrauli Region so that the residents of the area get potable water for the drinking purposes at any cost. However, the respondents deliberately failed to do so.
4. That the Appellant craves leave of this Hon'ble Court to add, alter or amend the grounds of appeal and may furnish further facts, if necessary.
 5. That the Appellant has not filed any other Civil Appeal against the final impugned judgment and order dated 14.07.2020 passed by the Hon'ble National Green Tribunal Principal Bench, New Delhi in Execution Application No.22 of 2018 in O.A. No.276 of 2013 either in this Hon'ble Court or any other court.
 6. That the impugned Order was pronounced in Court by the Hon'ble National Green Tribunal on 14.07.2020. Therefore,

the present Appeal is being filed within the statutory period of limitation.

7. That no new facts have been pleaded herein which were not parts of the record of the court below.

PRAYER

In view of the aforesaid, it is, therefore, most respectfully prayed that this Hon'ble Court may kindly be pleased to:

- a. Allow the instant appeal filed against the impugned judgment and order dated 14.07.2020 passed by the Hon'ble National Green Tribunal Principal Bench, New Delhi in Execution Application No.22 of 2018 in O.A. No.276 of 2013;
- b. Appoint a monitoring Committee of Retd. Hon'ble Supreme Court Judges under the supervision of this Hon'ble Court to implement each and every directions issued by the Hon;ble NGT;

And / Or

- c. Pass such order or further orders as this Hon'ble Court may deem just and proper in the facts and circumstances of this case.

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

DRAWN BY

PANKAJ SHARMA & MANISH KUMAR
ADVOCATES

FILED BY

(ASHUTOSH KUMAR SHARMA)
ADVOCATE

Drawn on: 12.09.2020
Filed on: 12.09.2020