

Item No. 08

Court No. 2

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

Original Application No. 360/2023

Ajay Shrivastava

Applicant

Versus

State of Haryana

Respondent

Date of hearing: 18.12.2023

**CORAM: HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

Respondent(s): Mr. Rahul Khurana, Adv. for HSPCB
Mr. Rajat Sangwan & Mr. Vaibhav Yadav, Advs. for Faridabad Thermal
Power Plant

ORDER

1. This original application is registered on the basis of a letter petition raising the issue of disposal of fly ash lying at the site of Aravali Range in violation of Aravali Notification dated 07th May, 1992, by MoEF&CC restricting certain activities in specified area of Aravalli Range, even after closure of power house, Bata Chowk, Faridabad.

2. Tribunal constituted a joint Committee calling for factual report and pursuant thereto, inspection report dated 31.07.2023 was filed. The report disclosed that there were 02 ash dykes, one is 103 acres called Old Ash Dyke which got filled with ash in 1987 and which is currently covered with plantation after deposition of soil layer. There is second ash dyke spanning 152 acres and from this ash dyke, ash lifting work is in progress. The report discloses that no lifting of fly ash took place between 2018 to 2022 and now, the work has been awarded to two agencies namely M/s. Shree Ram Cement and M/s. Faujdaar Builders & Movers

and till 30.06.2023 approximately 8 lakhs MT fly ash was lifted and approximately 10 Lakhs MT fly ash is yet to be lifted.

3. The report was considered on 27.09.2023 and Tribunal was informed by Counsel for State Pollution Control Board that entire remaining fly ash in respect of second ash dyke will be lifted by 21.06.2026 but no concrete plan relating to lifting of fly ash from the ash dyke was produced in the report or otherwise placed before Tribunal.

4. Tribunal found it necessary to issue notice to the Project Proponents and consequently notices were issued to Chief Engineer and Executing Engineer, Faridabad Thermal Power Station, unit of Haryana Power Generation Corporation Limited.

5. Pursuant to the said order, notices have been served and on behalf of Faridabad Thermal Power Station, a reply dated 15.12.2023 has been filed. From the said reply, it is evident that approximately about 18 lakh MT and 45 lakh MT of ash was deposited respectively in two ash dykes, termed as old ash dyke and new ash dykes. A chart has been placed along with said reply in para 4 at page 57 which shows that from April 2023 to November 2023, only 4.509 lakhs MT of fly ash has been lifted by two parties with whom agreements have been entered into by the Project Proponent. These facts show that a very huge quantity of fly ash of more than 58 lacs h MT is still lying deposited in two ash dykes.

6. Learned Counsel for Project Proponent, however, stated that in the past substantial quantity of fly ash has already been removed and total quantity is not about 58 lakh MT but much less than that. However, necessary facts to support the said statement are not on record. Learned Counsel for Project Proponent at this stage requested to allow him to file a supplementary reply giving all relevant facts to show as to what is

approximate total quantity of fly ash still lying deposited in two ash dykes. As prayed, he may do so within three days.

7. Put up this matter on 22.12.2023.

Sudhir Agarwal, JM

Dr. A. Senthil Vel, EM

December 18, 2023
Original Application No. 360/2023
DV