

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

(By Video Conferencing)

Original Application No. 744/2019

(With Report dated 06.01.2020)

Subhash Kushwaha, President, Machhali Palan
Sahkari Samiti Maryadit Banouli

Applicant(s)

Versus

State of Madhya Pradesh

Respondent(s)

Date of hearing: 05.08.2020

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE S. P. WANGDI, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

ORDER

1. Grievance in this application is against unscientific disposal of fly ash by M/s Gorbi Project in the coal mines by the NTPC, Vindhya Nagar, District Singrauli, Madhya Pradesh, affecting the fishing society of the inhabitants.
2. An action taken report was sought from the Madhya Pradesh State PCB and the District Magistrate, Singrauli.
3. Accordingly, the State PCB has filed its report on 06.01.2020 *inter alia* stating as follows:

“

2. *It is respectfully submitted that M/s Gorbi Project at present is an abandoned coal mine of M/s Northern Coalfields Limited (NCL) Singrauli. The mine was declared inoperative since the year 1/7/1997. At present the mine is filled with water that is acidic in nature having ph ranging from 2.1 to 2.9. The presence of acidic water in the mine is due to natural / geo genic reasons.*

3. *The mine belongs to NCL having a total lease area of 457.475 hectares out of which 276.782 hectares have been mined for coal. Acidic water is stored in 3 pits occupying around 75.6 hectares and around 201.176 hectares of mined out land has been reclaimed. Around 30 million m³ of acidic water is estimated to be stored in these pits.*
4. *Singrauli area is rich in coal and there are open cast coal mines being operated by M/s NCL as well as by other private proponents. There are number of power station in and around Singrauli district of MP and Sonbhadra district of UP and huge quantum of fly ash is generated. As per the Fly ash Notification of 14/9/1999, the mines situated within 50 km of a thermal power plant are required to use the fly ash ash @ 25% in their over burden dumps. Since the utilization of fly ash remains a big issue in the region, the MP Pollution Control Board as well as Government of MP was pursuing the NCL management for allowing the Vindyachal Power Station of NTPC to dispose its fly ash in the abandoned Gorbi mines.*
5. *It is submitted the a Core Committee was constituted by Hon. NGT in the matter OA 276/2013 "Ashwani Kumar Dubey vs. Union of India and ors" Core Committee has recommended to Hon NGT in its report of February 2018 in the connected matter OA 164/ 2018 "Ashwani Kumar Dubey vs. Union of India and ors" that the mine of Gorbi be provided to NTPC for the disposal of fly ash, which was accepted by Hon NGT wide its final order dated 28/08/18. Later Hon. NGT has also constituted Oversight Committee in the matter OA 164/ 2018 "Ashwani Kumar Dubey vs. Union of India and ors" vide order dated 28/8/18 under the chairmanship of Hon. Justice Rajesh Kumar (retd.) of Allahabad High Court. The Oversight committee has also in its various reports asked NCL and NTPC to come to terms and fly ash disposal in Gorbi mines be undertaken.*
6. *Pursuant to this, NCL and NTPC have mutually agreed and signed an MoU to this effect that the one pit of the Gorbi Mine will be provided to NTPC in the first phase for the disposal of fly ash. The copy of the MoU signed between NCL and NTPC on 03/01/19 is placed as Annexure 1.*
7. ***As per the provisions and conditions of the MoU, NTPC has approached MoEF&CC to obtain their NOC for the environmentally safe and sound disposal of the fly ash. MoEF & CC has issued TOR to M/s NTPC for conducting various studies. The TOR issued by MoEF&CC on 04/04/2019 is placed as Annexure 2.***
8. *MP Pollution Control Board has also accorded its "In Principal Approval" to NTPC to go ahead to undertake activities and studies essential for the safe and sound disposal of the fly ash in **Gorbi Mines**. A copy of the "In Principal Approval" of MPPCB dated 26/11/19 is placed at Annexure 3.*

9. *It is further submitted that that so far no disposal fly ash in the Gorbi mine has actually started and the pre activities, studies etc are being undertaken by NTPC. Actual disposal will start after obtaining necessary approval form the concerned agencies including MPPCB, so that the no damage to the environment is caused during the actual disposal of fly ash. Hence the allegation of the applicant that NTPC is disposing fly ash in un-scientific manner is not true.*
10. *It is respectfully submitted that the acidic water accumulated in the mine pit has been tested time to time by MPPCB in the year of 2016, 2017, 2018 and 2019 the results of which are placed at Annexure 4. The water is highly acidic and not fit for any fish propagation. The mine water quality is not fit to be used for the purpose of fish propagation as per the designated best use water quality criteria devised by CPCB. As per it, the water quality criteria for propagation of wildlife and fisheries the water should have pH between 6.5 and 8.5, Dissolved Oxygen 4mg/l or more and Free Ammonia (as N) 1.2 mg/l or less. Hence no fishery can be propagated in this acidic water. It is also submitted that the mine is abandoned for so many years, but no aquatic life in it has been noticed nor any locals were seen fishing in the water. Hence the request of the applicant Shri Subhash Kushwaha seems unfounded and do not seem to be appropriate.”*

4. In view of observations in para 10 above that acidic water is accumulated in mine pits, remedial action needs to be taken in consultation with the CPCB. Let such action be taken by the NTPC expeditiously but positively within three months.

A copy of this order be sent to the CPCB and the NTPC, Vindhya Nagar, District Singrauli, Madhya Pradesh by email for compliance.

The application is disposed of.

Adarsh Kumar Goel, CP

S. P. Wangdi, JM

Dr. Nagin Nanda, EM

August 05, 2020
Original Application No. 744/2019
AK