

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

(By Video Conferencing)

Original Application No. 609/2018

(With report dated 16.02.2021)

Action for Vigilance and Knowledge for Empowerment

Applicant

Versus

Lalitpur Power Generation Company
Limited & Ors.

Respondent(s)

Date of hearing: 17.03.2021

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

Respondents: Mr. Ranjit Kumar, Senior Advocate with Mr. Sanjeev Kumar
Singh, Advocate for LPGCL
Mr. Pradeep Misra, Advocate for UPPCB

ORDER

1. The issue for consideration is compliance of environmental norms by M/s Lalitpur Power Generation Company Limited (LPGCL). The matter has been considered on several occasions in the last two years and finding violation of environmental norms on issues of fly ash disposal, installation of CAAQMS, handling hazardous waste, control of fugitive emissions, adequate tree plantation and proper operation of STP, directions for remedial action have been issued.

2. The matter was last considered on 28.10.2020 in the light of report of the State PCB dated 13.08.2020 as follows:

“4. Accordingly, the State PCB has filed its report dated 13.08.2020 which does not indicate any satisfactory progress on the subject of installation of FGD as well as other deficiencies on the subject. Learned counsel for the LPGC is also unable to provide any assistance as he states that he has not been able to get any instructions in the matter.

5. In view of the above, the Tribunal has no other option except to defer the proceedings with a hope that the LPGC will understand its legal responsibility to the environment and the rule of law and now take effective measures and file action taken report before the next date by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF.”

3. Accordingly, a further report has been filed by the LPGC on 16.02.2021 as follows:

Sl.	Recommendations	Compliance Status
1.	The unit should properly operate its Sewage Treatment Plant (STP) to meet with the stipulated norms.	<p>Complied</p> <p>The STP is well maintained, operated efficiently & monitored adequately by trained staff/executives. Regular monitoring of inlet & outlet effluent is being done to ensure the quality of treated effluent well within the stipulated norms at our unit lab.</p> <p>Additionally, the third party (NABL Accredited Laboratory) monitoring is also being carried out on quarterly basis. The STP monitoring reports for last quarters are enclosed as Annexure-1 (Page no. 4 to 11)</p>
2.	The unit should expedite to obtain HW Authorization for Discarded Containers, Spent Ion Exchange Resin Containing Toxic Metals, and Chemical Sludge from Waste Water Treatment Sludge	<p>Complied</p> <p>Hazardous Waste Authorization was obtained on 19.10.2019 for Discarded Containers, Spent Ion Exchange Resin Containing Toxic Metals, and Chemical Sludge from Waste Water Treatment Sludge. Copy of the same is attached as Annexure 2 (Page no.12 to 15)</p> <p>We had an agreement with Treatment, Storage and Disposal Facility (TSDF) agency as directed by Uttar Pradesh Pollution Control Board PPCB. The copy of the agreement alongwith TSDF certificate is enclosed as annexure-3A (Page no. 16 to 17) & 3 (b) (Page no. 18 to 30)</p>

3.	<i>The unit should provide proper approach road such as paved road to ash dykes.</i>	<p>Complied</p> <p>Road has already been repaired and completed in November 2019 and now this motorable road is in service without any problem which is verified by the UPPCB on 15.07.2020. Recent photographs are attached as Annexure 4 (Page no. 31)</p>
4.	<i>The unit should expedite completion of concreting on HDPE lining</i>	<p>Complied</p> <p>Concreting on HDPE lining has already been completed which is verified by the UPPB on 15.07.20. The Photographs are attached as Annexure-5 (Page no. 32)</p>
5.	<i>The unit should ensure compliance of HW Authorization with reference to Hazardous waste generation.</i>	<p>Complied</p> <p>We are in strict compliance of HW Authorization with reference to hazardous waste generation. The HW generated is being disposed off as per the direction and guidelines mention in the authorization issued by the UPPCB. We are strictly complying all the rules mentioned in the Hazardous & Other Waste Management and Transboundary Movement Rules, 2016.</p> <p>A separated covered storage yard has been constructed and the labeling has been done on the barrels. The safe & scientific handling is regular practice to prevent any spillage. The ground water analysis is being done by third party (NABL Accredited Laboratory) on regular basis. The recent analysis reports are enclosed as Annexure-6 (Page no. 33 to 44)</p>
6.	The unit should submit the Environmental Compensation (EC) of amount Rs.90,00,000/- (Rupees Ninety Lakh Only).	<p>In Civil Appeal No.2767/2020 filed inter-alia, in respect of this issue of EC and in respect of the directions of this Hon'ble Tribunal concerning preponement of the date of installation of FGD, and also on the issues raised in IA no. 72416/2020 concerning the installation of FGD, the Hon'ble Supreme Court vide its order dated 13.08.2020 was pleased to pass the following order”</p> <p>“Issue Notice </p> <p>In the meantime, for the non-compliance of the order, no coercive step shall be taken....”</p> <p>The order is enclosed as Annexure-7 (Page no. 45 to 46) ”</p>

4. None appears on behalf of the applicant to contest the above report.

Accordingly, the application is disposed of. It is made clear that the issue of compensation will abide by directions of the Hon'ble Supreme Court in the matter pending before it.

Adarsh Kumar Goel, CP

S.K. Singh, JM

Dr. Nagin Nanda, EM

March 17, 2021
Original Application No. 609/2018
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