

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

Civil Appeal No. 2728 of 2020

National Thermal Power Corporation Ltd

.... Appellant(s)

Versus

Rashmi Singh & Ors

....Respondent(s)

ORDER

1 This appeal arises from a judgment of the National Green Tribunal¹ dated 27 February 2020. The NGT has issued two directions for compliance by the appellant:

- (i) The installation of an FGD Plant within six months; and
- (ii) Ensuring that all railway wagons transporting coal are covered with tarpaulin.

2 Mr Tushar Mehta, learned Solicitor General, submits that the process for installing the FGD plant has already commenced. However, it has been submitted that the Central Pollution Control Board² had on 11 December 2017 granted time for compliance until 31 December 2022 for Units 1 and 2 and until 31 December 2021 for Units 3 to 5. It has been submitted that it is physically impossible to complete the process within a period of six months which will expire in August 2020.

1 NGT
2 CPCB

- 3 Mr Ritwick Dutta appearing on behalf of the respondents, submitted that the notification dated 7 December 2015 provided an outer time-line of two years for all thermal power plants to effect compliance. The CPCB, finding that there was non-compliance, issued a communication dated 11 December 2017 granting time until 31 December 2022 for Units 1 and 2 and 31 December 2021 for Units 3 to 5.
- 4 On the aspect of tarpaulin covers, the Solicitor General stated that the appellant is coordinating with the Ministry of Railways and the process will be completed in one month. Mr Ritwick Dutta on the other hand submitted that that the Environmental Clearance was granted in 1999 and it has taken an inordinately long period of twenty years to effect compliance. However, he has not opposed the suggestion of the Solicitor General that one month's time to complete all formalities and to effectuate compliance be allowed.
- 5 Having regard to the communication which has been issued by the CPCB on 11 December 2017 granting time for compliance in regard to the installation of the FGD plant until 31 December 2022 for Units 1 and 2 and 31 December 2021 for Units 3 to 5, respectively, we extend time for compliance as fixed by the NGT so as to be in accord with the timelines which have been indicated in the communication of the CPCB. Accordingly, time is extended until 31 December 2022 for Units 1 and 2 and 31 December 2021 for Units 3 to 5, respectively.

- 6 Time to complete the process of ensuring that all wagons are covered with tarpaulin sheets is extended by a period of one month from today.
- 7 The appellant must take all appropriate steps within the period which has been extended for installing the FGD plant to the satisfaction of the NGT. The appellant shall submit quarterly progress reports to the NGT so as to facilitate compliance being monitored. Since the proceedings are to be listed before the NGT on 28 July 2020, we direct that on that date an affidavit shall be filed by the appellant setting out the concrete steps which have been taken and which shall be taken hereafter to effect compliance.
- 8 The appeal is accordingly disposed of. There shall be no order as to costs.
- 9 Pending application, if any, stands disposed of.

.....J.
[Dr Dhananjaya Y Chandrachud]

.....J.
[Indu Malhotra]

.....J.
[K M Joseph]

New Delhi;
July 21, 2020

