

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

(By Video Conferencing)

Original Application No. 104/2018

(With report dated 24.07.2020)

Shivpal Bhagat & Ors. Applicant(s)

Versus

Union of India & Ors. Respondent(s)

AND

Execution Application No. 05/2019

IN

O. A. No. 104/2018

Shivpal Bhagat & Ors. Applicant(s)

Versus

Union of India & Ors. Respondent(s)

Date of hearing: 28.07.2020

**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**

Applicant(s): Mr. Saurabh Sharma, Advocate

Respondent(s): Mr. Raj Kumar, Advocate for CPCB

ORDER

1. This order is being passed in continuation of order dated 27.02.2020. The issue for consideration is the remedial action against pollution caused by the thermal power plants and the coal washeries in Tamnar and Gharghoda blocks of Raigarh District in Chhattisgarh, including M/s Jindal Power Limited, M/s Jindal Power and Steel Limited, M/s TRN Energy Private Limited, M/s Mahavir Energy & Coal Benefaction Limited, M/s. Hindalco Industries Limited and M/s. Monet

Energy Limited, SECL. The operation of the said units was allegedly resulting in contamination of air, water and land and having adverse impact on the environment and the habitants. Water and soil had toxic metals with potential for health hazard, requiring monitoring of emissions, making the polluter accountable and regulating the polluting activities.

2. Vide order dated 27.02.2020, this Tribunal considered the matter in the light of earlier proceedings and in the light of CPCB report dated 14.10.2019 on the issue of mitigation measures, including installation of Electro-Static Precipitators (ESPs) and Fluidized Gas Desulfurizers (FGDs) in the Thermal Power Plants. The report also considered ground water depletion, soil pollution, forest loss and livelihood loss and after detailed study of various aspects. The measures suggested in the report were directed to be adopted. It was directed:

*“6. We are of the view that since serious deficiencies have been found and there is potential for damage to the environment as observed in the report, the ‘Precautionary’ and ‘Sustainable Development’ principles require that **any further expansion or new projects in the area should be allowed after thorough evaluation only and mechanism for remedial measures should be in place, including oversight of measures for health mitigation.** The Committee already constituted in terms of order of this Tribunal dated 22.07.2019 will act as an Oversight Committee. The nodal agency for the purpose will be the CPCB. Meeting of the Committee may be held atleast once in two months or at such interval as may be decided by the Committee. Mitigation measures for health issues may be overseen by the Principal Secretary, Health, Govt. of Chhattisgarh. For this purpose, the existing arrangements in the local areas may be reviewed and further strengthened to meet the requirements. The Principal Secretary, Health, Govt. of Chhattisgarh will be at liberty to issue appropriate directions to the concerned project proponents also for their initiatives out of CSR funds. The Committee may give a status report on the issue as on 30.06.2020 by 15.07.2020 by e-mail at judicial-ngt@gov.in. The Oversight Committee may issue appropriate directions to the project proponents for other remedial measures.*

7. The above report may be looked into and acted upon by the Ministry of Coal as well as MoEF&CC for such further action as may be necessary.”

3. Accordingly, further report has been filed by the Oversight Committee on 24.07.2020 ending as follows:

*“In view of constantly deteriorating situation of COVID-19 pandemic in Chhattisgarh, Hon’ble NGT may please provide **an extension of two months for field visit and meeting with concerned authorities about development health facilities, road condition and drinking water supply.**”*

In view of above, list again on 19.11.2020.

Adarsh Kumar Goel, CP

S. P. Wangdi, JM

Dr. Nagin Nanda, EM

July 28, 2020
Original Application No. 104/2018
& Execution Application No. 05/2019
DV