

**BEFORE THE NATIONAL GREEN TRIBUNAL, CENTRAL ZONAL BENCH,
BHOPAL**

M.A. No. 342/2015

in

Original Application No. 29/2015 (CZ)

Titksha Social Organisation Vs. Union of India & 5 Ors.

and

Original Application No. 36/2015 (CZ)

Laxmi Chouhan vs. Union of India & 5 Ors.

**CORAM : HON'BLE MR. JUSTICE DALIP SINGH, JUDICIAL MEMBER
HON'BLE MR. BIKRAM SINGH SAJWAN, EXPERT MEMBER**

**PRESENT : Applicant : Shri Sanjay Kumar, Adv.
Respondent No. 1 : Shri Om S.Shrivastav, Adv.
Respondent No. 2 & 3 : Shri Sachin K. Verma, Adv. for
Shri Purushaindra Kaurav, Adv.
Respondent/ State of CG: Shri Sandeep Singh, Adv. for
Shri Sidharth Singh, Adv.
Respondent No. 4 & 5 : Shri Deepesh Joshi, Adv.**

Date and Remarks	Orders of the Tribunal
Order No. 3 20th July, 2015	<p>We direct the Learned Counsel for the Applicant to move an application for impleading State of Chhattisgarh as party to this petition. Learned Counsel for the Applicant submits that he will move Misc. Application today itself. On filing the Misc. Application stands allowed.</p> <p>Let notices be issued to Learned Counsel for the Applicant. It will be the responsibility of the Leaned Counsel for the Applicant to take notices Dasti and same served upon the Principal Secretary, Department of Energy, State of Chhattisgarh.</p> <p>In both these petitions the issue raised is in respect of the fly ash which has been generated by the plants of the Respondent No. 4 & 5 and being discharged in to the drains leading ultimately to Hasdeo river as the ash dykes and ponds have already become full. It is contended by the Learned Counsel that despite the fact that the Chhattisgarh Environment Conservation Board (CECB)</p>

have issued notices and given directions from as early as 2007 that the Respondent No. 4 & 5 have failed to take any remedial measures with regard to the disposal of fly ash.

It has further been brought out that despite the fact that the MoEF, Govt. of India has issued a notification with regard to utilisation of fly ash in the year 2009 virtually nothing has been done in the State of Chhattisgarh in this behalf for utilisation of fly ash either in the construction activity with regard to the constructions of road or contract for construction of government building or its usage in cement plants etc.

We would accordingly direct the Principal Secretary, Department of Energy, State of Chhattisgarh to take note of this fact and submit a detailed affidavit on the issues raised in this behalf. The Respondents No. 4 & 5 shall also submit a definite proposal and plan with regard to the steps which the Respondents No. 4 & 5 intend to take for preventing the discharge into the Hasdsev river as well as for effective utilisation of the fly ash both the existing quantity and the quantity to be generated in future, keeping in view the ongoing projects and works in the light of the MoEF Notification dtd. 03.11.2009. They must take into account the ongoing works and projects such as National Highways and government/government undertaking buildings where such fly ash bricks are required to be used. They must also take into account the impact of such fly ash bricks upon the employment of traditional clay brick manufacturers and draw up a scheme for employment of the persons affected. These steps are required to be taken immediately and the affidavit in this behalf be filed before this Tribunal on the next date of hearing. This assumes

particular importance because of the breach of the EC condition which have been noticed in the various inspections by the Pollution Control Authorities both of the State as well as the Centre and no steps has been taken so far and problem has become more acute during the monsoon as a result of the run of from these ash dykes and ponds into the river. A section of the press has also reported that as a result of fly ash going into the river and reaching the barrages and dams, the life of the dams and barrages as a result of accumulation of silt in the reservoir their water retention capacity also reduced considerably.

A comprehensive view into the entire senerio needs to be looked into by the Government not only in the Department of Energy, the Public Works Department, the Water Resources Department, the Environment Department as well as the Urban Development Department. The Chief Secretary, State of Chhattisgarh to whom a copy of this order be sent shall convene a meeting of all stakeholders including private power plant operators as they too are responsible with regard to the utilisation of fly ash and its disposal. The issues be discussed and the outcomes along with the solutions be submitted before this Tribunal on the next date with the proposed action.

Misc. Application No. 342/2015 submitted by the Learned Counsel seeking personal exemptions hence disposed of.

Let the matter be listed on **19th August, 2015**.

.....,JM
(DALIP SINGH)

.....,EM
(BIKRAM SINGH SAJWAN)