

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

**Original Application No. 19/2014 (CZ)**

**Fly Ash Bricks Manufacturing Welfare Society v. State of M.P. & Ors.**

**CORAM : HON'BLE MR. JUSTICE DALIP SINGH, JUDICIAL MEMBER  
HON'BLE MR. P.S.RAO, EXPERT MEMBER**

**PRESENT : Applicant : Shri Naman Nagrath, Sr.  
Advocate  
with Shri Qasim Ali, Advocate  
Respondent No. 1 : Shri Sachin K. Verma,  
Advocate  
Respondent No. 2 : Shri Shivendu Joshi, Advocate  
for  
Shri Purushaindra Kaurav,  
Advocate  
Dr. P.S. Bundela, OIC  
Respondent No. 3 & 4 : Shri Om S. Shrivastav,  
Advocate  
Respondent No. 7 : Shri Varun Kumar, Advocate.**

<b>Date and Remarks</b>	<b>Orders of the Tribunal</b>
<b>Order No. 3 28<sup>th</sup> April, 2014</b>	<p style="text-align: center;"><b><u>M.A. No. 167/2014</u></b></p> <p>This application has been filed by the Applicant with a prayer to implead the Monitoring Committee M.P.(through its Chairman) as Respondent No. 12.</p> <p>Having regard to the nature of the issue raised before us, we deem it just and proper that in terms of notifications issued, for the aforesaid purpose of utilization of the fly ash in various industries, it would be proper to implead the Monitoring</p>

Committee M.P. through its Chairman Principal Secretary, Housing & Environment Department, Vallabh Bhavan, Bhopal as Respondent No. 12.

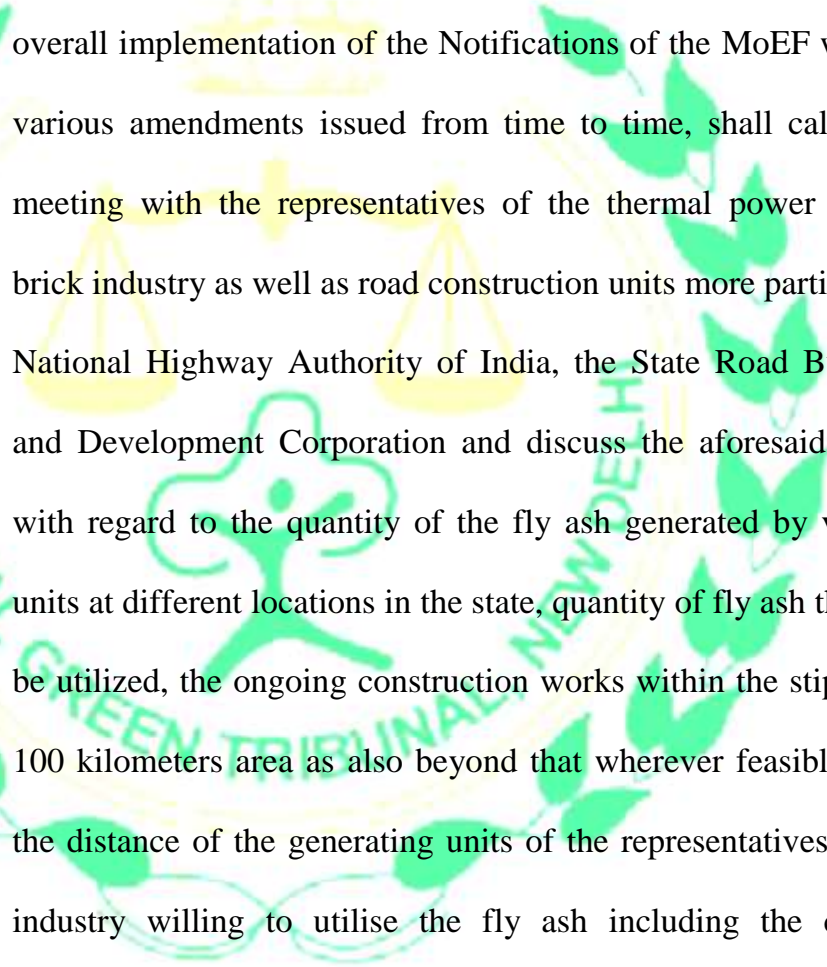
This application is allowed and stands disposed of.

**Original Application No. 19/2014**

Vide M.A. No. 167/2014 the Monitoring Committee constituted by the Government for monitoring the utilization of fly ash, under the Chairmanship of the Principal Secretary, Environment has been ordered to be impleaded as Respondent No. 12. Amended memo of parties shall be filed before the next date of hearing.

During the course of hearing, a representative namely Shri Manish Jain of the industry Sarvottam Asbestos Cement Private Ltd., Mandideep submitted that despite the willingness of the industry to utilise fly ash in the ongoing construction works, they are not able to obtain fly for this purpose.

Having heard the learned counsel for the parties, we find that though notifications by the MoEF, Government of India have been issued right from the year 1999 with various amendments and clarifications and directions for utilization of the fly ash in various industries and more particularly in Government works contracts, we find that there is little coordination and hardly any effort made to utilise the fly ash. As



was submitted by the representative of the industry that they are willing to use the fly ash but they are not able to get the same from the fly ash generating industrial plants. It is therefore felt necessary that those units which are generating the fly ash mainly the thermal power plants should be involved in the process and the Chairman of the Monitoring Committee who is vested with the responsibility of monitoring and giving directions on the overall implementation of the Notifications of the MoEF with its various amendments issued from time to time, shall call for a meeting with the representatives of the thermal power plants, brick industry as well as road construction units more particularly National Highway Authority of India, the State Road Building and Development Corporation and discuss the aforesaid issues with regard to the quantity of the fly ash generated by various units at different locations in the state, quantity of fly ash that can be utilized, the ongoing construction works within the stipulated 100 kilometers area as also beyond that wherever feasible from the distance of the generating units of the representatives of the industry willing to utilise the fly ash including the cement industry which is reportedly utilising maximum quantity of fly ash.

It was submitted that in the case of Satpura Power Plant located at Sarni almost zero utilization of fly ash is reported

because of the factor of distance. In such cases, the State Government must come with a workable solution as the environmental pollution caused by fly ash has to be taken care of at all costs and providing pollution free environment is also the duty of the State and in case some additional cost with regard to the transportation and making available of the fly ash can be borne by the State for providing cleaner environment rather than the risk of closure of such polluting units which have to comply with the requirements of the EC and other permissions granted to them under the environmental laws.

Shri Sachin Verma, learned Standing Counsel for the State submits that the Chairman of the Monitoring Committee shall convene a meeting of the various stake-holders for the aforesaid purpose within 10 days from today and submit report before this Tribunal as to what steps have been proposed to find a workable solution so that the notifications issued by the MoEF may be complied in letter and spirit and necessary directions be issued to ensure their compliance as also incorporate the conditions for utilization of fly ash bricks and fly ash in Government work as part of the standard condition of the contract.

List this matter on **15<sup>th</sup> May, 2014.**

.....,JM



**(DALIP SINGH)**

.....,EM

**(P.S.RAO)**

