

Item No. 1

**BEFORE THE NATIONAL GREEN TRIBUNAL
CENTRAL ZONE BENCH, BHOPAL**
(Through Video Conferencing)

Original Application No. 35/2022 (CZ)

Budhsen Rathore

Applicant(s)

Versus

Union of India & Ors

Respondent(s)

Date of Hearing: 09.05.2022

**CORAM: HON'BLE MR. JUSTICE SHEO KUMAR SINGH, JUDICIAL MEMBER
HON'BLE DR. ARUN KUMAR VERMA, EXPERT MEMBER**

For Applicant(s):

Mr. Saurabh Sharma, Adv

For Respondent(s):

ORDER

1. Disposal of fly ash is of grave concern to the environment as well as public health. There are numerous scientific publications that have highlighted the serious concern. In Physicochemical Study of Kanhan River Water Receiving Fly Ash Disposal Waste Water of Khaperkheda Thermal Power Station, India, published in International Research Journal of Environment Sciences, Vol. 2(9), 10-15, September (2013), it has been stated with respect of the ill effects when fly ash gets disposed off into river water. Fly ash resulting from coal based thermal power plants is one of the alarming and continuously increasing sources of pollution leading to degradation of soil, water and air. Fly ash generated from thermal power plant and industrial waste discharged into the streams or dumped into surrounding land causes serious water and soil pollution problems. As per Kanhan Study, values of conductivity, total dissolved solids, turbidity, chemical oxygen

demand, alkalinity, hardness, and chlorides were very high in side stream water than the desirable values for drinking water. Concentration of copper, cadmium, zinc, lead, mercury and arsenic metals were observed within normal range posing no threats of pollution of heavy metals in water due to ash bund.

2. The present Original Application relates to an Ash Dyke breach of the Chachai Ash Pond of Amarkantak Thermal Power Station in District Anuppur, Madhya Pradesh which is operated by MPPGCL. The Ash Dyke breach took place on the early morning of 11th February 2022, which impacted and contaminated about 10 acres of fertile agricultural land with fly ash. This spillage has led to spoiling of the fertile agricultural fields of farmers who are living in the vicinity of the said Ash Dyke. The Ash Dyke breach also contaminated the Son river as the fly ash and water which has spilled from the Ash pond has reached the Son river which is about 1.5 km away from the Ash Dyke.

3. The Additional Condition No.7 for Water Pollution Control of the Consent to Operate specifically and categorically provided :

“7. The industry shall operate & maintain Ash Water Recirculation System (AWRS) to ensure 100% recirculation of overflow of the ash dyke. Industry shall make arrangement for transportation of fly ash to ash pond in the form of medium slurry mode system having 38% ash and 62% water as per MoEF directives”

4. Significant environmental issues are raised in this application.

5. Issue notice to the respondents, returnable within six weeks. Respondents are directed to submit their reply within four weeks through E-filing portal, preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF.

6. Applicant is directed to take necessary steps for service to the respondents by both ways and also on available email.

7. We deem it just and proper to call a report on the matter in issue of the present Original Application, from a Joint Committee consisting of:-
- i. Collector or representative, Anuppur.
 - ii. Central Pollution Control Board or representative.
 - iii. Madhya Pradesh Pollution Control Board or representative.
8. The Committee is directed to visit the place and submit the factual and action taken report within six weeks. The State PCB will be the nodal agency for coordination and logistic support.
9. Applicant is directed to supply the copy of the application and relevant documents to the Committee and Respondent(s) within a week and after compliance of service, the applicant has to submit an affidavit that the notice and copy of the application have been served upon the Committee and respondent(s).
10. The report in the matter be filed by the Committee through email at ngtczbbho-mp@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF.

List it on 12th July, 2022

Sheo Kumar Singh, JM

Dr. Arun Kumar Verma, EM

09th May, 2022
O.A. No. 35/2022(CZ)
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