Report of the Committee constituted by the Hon'ble National Green Tribunal, Delhi in Appeal No. 19/2017, Social Action for Environment and Forest Versus Union of India

1. Background:

In appeal No. 19/2017, Social Action for Environment and Forest Versus Union of India, Hon'ble NGT vide its order dated 28.02.2019 made following observations:

"The issue for consideration is validity of Environmental Clearance granted for setting up of thermal power station by the THDC India Limited, Respondent No. 3 at Khurja, District Bulandshahar, State of Uttar Pradesh."

On 13.12.2018, certain issues were considered with regard to analysis of the data by the Expert Appraisal Committee and following order was passed:

One of the points for consideration during the hearing is the correctness of the Ambient Air Quality data furnished by the Project Proponent and relied upon by the Environment Impact Assessment Authority. A perusal of chart at page 185 shows PM2.5 value to be between 32 to 40 from October to December, 2012 and 32 to 45 from March to May, 2016. It is, however, not clear as to what the source of the said data is and how the same was verified by EAC. It is also not clear as to how the wind direction is to be taken to be favourable in the context of its impacts on NCT of Delhi, as suggested by project proponent. Further question is the downstream impact on the water which is said to be sourced from upper Gangetic canal.

A proper verified information on above aspects has to be looked into before this appeal is decided."

Accordingly, the Ministry of Environment, Forest and Climate Change (MoEF&CC) has filed an affidavit which merely refers to the report of the accredited agency which was considered by the Expert Appraisal Committee without any further analysis as was expected in terms of the above order.

In view of the above, Hon'ble National Green Tribunal, New Delhi constituted a joint Committee of representatives of Central Pollution Control Board (CPCB) and Indian Institute of Technology, Delhi to have an independent expert report in the matter.

In compliance to the said order Prof Mukesh Khare, Department of Civil Engineering, IIT, Delhi and Dr. S. K. Paliwal, Scientist D, CPCB were nominated by respective institutions to represent the committee.

2.0 Information/Data made available by the Applicant and Project Proponent

1. Copy of application filed by the applicant
2. Environment Impact Assessment report
3. TOPO sheet of the area proposed for installation of plant
4. Permission for allocation of water from Upper Ganga canal for the proposed project along with details for providing 53 Cusecs water to m/s THDC
3.0 Field visit

The Committee visited the proposed site of the plant and air quality monitoring stations sites selected during the EIA study on April 05, 2019. There are two air quality monitoring stations in Khurja town also under National Ambient Monitoring Programme (NAMP) which are being operated by Central Glass and Ceramic Institute of CSIR. The Committee also visited one of these NAMP air quality monitoring stations located in industrial area of Khurja town.

Figure 1 is the google map which shows the location of the NAMP station located on the roof top of the Central Glass and Ceramic Institute of CSIR at the height of about 15 meter from the ground level. Figure 2 shows the predominant wind direction at NAMP in Khurja town. Figure 1 clearly shows that the area around NAMP station is surrounded by ceramic industries which categorises the station as “industrial station”.

Based on the site visit, the committee decided to collect micro-meteorological data at proposed Khurja Super Thermal Power Plant (STPP) site and ambient air quality data for PM$_{2.5}$ for making an assessment of present air quality of the area. Accordingly, a team of CPCB HO air lab was deputed to monitor AAQ for 2 days (24 hr per day) at each location during May 7-11, 2019. AAQ monitoring was conducted at 4 following locations and micro-meteorological data was collected by installing a weather monitoring station at the proposed site of Khurja STTP during the period from 07 to 11 May, 2019.

<table>
<thead>
<tr>
<th>Code</th>
<th>Monitoring location</th>
<th>Direction w.r.t STPP site</th>
<th>Distance from site of STPP (Km)</th>
</tr>
</thead>
<tbody>
<tr>
<td>AQ1</td>
<td>Gwarauli Village</td>
<td>East</td>
<td>4.0</td>
</tr>
<tr>
<td>AQ2</td>
<td>Jawal Village</td>
<td>West</td>
<td>2.5</td>
</tr>
<tr>
<td>AQ3</td>
<td>Nagla Shakhu</td>
<td>North</td>
<td>6.5</td>
</tr>
<tr>
<td>AQ4</td>
<td>Kuryawali village</td>
<td>South – East</td>
<td>4.0</td>
</tr>
<tr>
<td>AQ4*</td>
<td>Bhogpur RF</td>
<td>South – East</td>
<td>9.0</td>
</tr>
</tbody>
</table>

*: AAQ monitoring conducted in 2016 during EIA study

Normal activities in villages during monitoring period: Burning of wood/cow dung cake and seasonal agricultural activities like wheat threshing

Figure 3 is the map which shows the location of the four ambient air quality sampling locations around STPP site, and one micro meteorological station location at the STPP office selected by the CPCB HO Air lab team. Figure 4 shows the predominant wind direction at STPP office site derived from the micro meteorological data collected at the site.

3.1 Proposed site for the Plant

The proposed site for Khurja Thermal Power Project (2x660 MW) is located in Tehsil Khurja, District Bulandshahr, UP. The site is about 11 km (SE) from Khurja town and 36 km (NW) from Aligarh city. Geographically the site is situated between 28°08'35" N to 28°10'25" N latitude and between 77°53'47" E to 77°55'22" E longitude. Figure 5 shows the location of proposed project with respect to Khurja town and Delhi NCT using google map. The proposed site is about 85 km from NCT of Delhi and falls within NCR.
3.2 Meteorology of the area

3.2.1 During the EIA studies conducted in 2012 (October-December) and further in 2016 (March-May), the site specific meteorological data (wind speed, wind direction, temperature etc.) was collected by the project proponent through M/s Mantec consultants Pvt. Ltd. ( pg 99 of EIA report). Besides, meteorological data was also obtained from nearest IMD observatory located in Aligarh city for the period of 1961-1990 to consider the long term meteorology of the study area pg97-98 of EIA report).

3.2.2 As per the data collected from IMD Aligarh observatory, the predominant wind direction in respect the proposed site is NW to SE during non-monsoon period. During the similar period in 2019 as observed from Figure 2 and Figure 4 the wind direction was observed from NW to SE and W to E.

3.2.3 This indicates the nearest Khurja town and NCT of Delhi are upwind of the proposed STPP site.

3.3 Ambient Air Quality

3.3.1 The results of monitoring data with respect to PM$_{2.5}$ collected during the EIA study for the period March to May 2016 and the data monitored during May 7-11, 2019 at the STPP site by CPCB HO team, are presented in Table 1. The 24-hour average minimum & maximum concentrations of PM$_{2.5}$ monitored at Gwarauli village, Jawal village, Nagla shaku and Bhogpur RF in March to May 2016 during EIA study (pg 105-108 of EIA report), were 32&45 µg/Nm$^3$, 32&47, µg/Nm$^3$, 33&46 µg/Nm$^3$ and 34&48 µg/Nm$^3$ respectively. The 24-hour average concentrations of PM$_{2.5}$ monitored at the same locations except AQ4 location in May 7-11, 2019 were observed as 42 & 91µg/Nm$^3$ (09.05.2019 & 10.05.2019), 73& 75 µg/Nm$^3$ (07.05.2019 & 08.05.2019), 76 &50 µg/Nm$^3$ (07.05.2019& 08.05.2019) and 50 & 171 µg/Nm$^3$ (09.05.2019 & 10.05.2019) at Gwarauli village, Jawal village, Nagla shaku and Kuryawali village respectively. The estimated ratios of the maximum concentrations of PM$_{2.5}$ in May 7-11, 2019 and March to May 2016 were 2.02, 1.59, 1.08 and 3.56 at Gwarauli village, Jawal village, Nagla shaku and Kuryawali village respectively. Based on the ratios it is clear that concentration of PM$_{2.5}$ in May 7-7, 2019 were higher compared to March to May 2016 at Gwarauli, Jawal and Kuryawali villages which could be due enhanced seasonal activities like wheat threshing, high summer winds etc.

4.0 Downstream Impact of Water withdrawal from Upper Ganga Canal

Water requirement of 3265 m$^3$/hr (.32 cusecs) for the project is to be met from upper Ganga Canal which is about 8 km NE of the project site (pg 19 of EIA report). The water withdrawal permission of 53 cusecs has been granted by UP Government. The in-principal permission for water withdrawal has been given on the basis of detailed assessment by Bulandshahr Division of Ganga Canal, U.P Irrigation Department that preventing of seepage losses by lining works in Upper Ganga Canal and other canals shall compensate the water so as not to affect water availability to farmers for irrigation. The details of the same are given in Annexure I.
5.0 Conclusion

5.1 The range of 24-hour concentrations of PM$_{2.5}$ as reported in the EIA study at the STPP monitoring/sampling locations are 32 - 48 µg/m$^3$, respectively, in March to May 2016.

The range of 24-hour concentrations of PM$_{2.5}$ as observed during May 7-11, 2019 is 36-171 µg/m$^3$. Out of 4 stations, ratio of PM$_{2.5}$ concentration at 03 stations (Gwarauli, Jawal and Kuryawali villages) where ambient air quality monitoring was carried during EIA study in 2016 and 2019 is 2.02, 1.59 and 3.56 which are higher compared to PM$_{2.5}$ levels of 2016 which is due to enhanced seasonal activities like wheat threshing, high summer winds etc. However, PM$_{2.5}$ concentration at Nagla sheku village (ratio: 1.08) was observed as comparable with 2016 data.

5.2 The predominant wind direction at the STPP project site is from NW to SE. The nearest Khurja town which is about 11 km in NW is in predominant upwind direction from the proposed project site. The NCT of Delhi which is about 85 km in NW is also in predominant upwind direction from the proposed project site.

5.3 The water requirement of 53 cusecs will be met from Upper Ganga Canal which according to detailed assessment by U.P Irrigation Department will be compensated by preventing seepage losses by lining works in Upper Ganga Canal and other canals so as not to affect water availability to farmers for irrigation.

5.4 The Committee is of the view that though PM$_{2.5}$ concentrations are towards higher side compared to year 2016 EIA study, yet, the concentrations are within the prescribed standards i.e. 60 µg/m$^3$ except at locations at Jawal and Kuryawali villages. This may be due to local activities and weather conditions.

(Prof. Mukesh Khare)
Civil Engineering Department, IIT, Delhi

(Dr. S.K. Paliwal)
Scientist D, CPCB
Table 1.0: Ambient Air Quality Data at 04 locations around proposed site of Khurja STPP of M/s THDC India Limited

<table>
<thead>
<tr>
<th>Code</th>
<th>Stations</th>
<th>Direction</th>
<th>Distance (Km)</th>
<th>October - December, 2012*</th>
<th>March - May, 2016*</th>
<th>Two 24 hrly saple at each location during May 07 - 11, 2019**</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>PM$_{2.5}$ ($\mu$g/m$^3$)</td>
<td>PM$_{2.5}$ ($\mu$g/m$^3$)</td>
<td>PM$_{2.5}$ ($\mu$g/m$^3$)</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Min</td>
<td>Max</td>
<td>Min</td>
</tr>
<tr>
<td>AQ1</td>
<td>Gwarauli Village</td>
<td>East</td>
<td>4.0</td>
<td>32.8</td>
<td>40.2</td>
<td>32</td>
</tr>
<tr>
<td>AQ2</td>
<td>Jawal Village</td>
<td>West</td>
<td>2.5</td>
<td>30.2</td>
<td>38.0</td>
<td>32</td>
</tr>
<tr>
<td>AQ3</td>
<td>Nagla Shakhu</td>
<td>North</td>
<td>6.5</td>
<td>31.0</td>
<td>40.8</td>
<td>33</td>
</tr>
<tr>
<td>AQ4</td>
<td>Kuryawali village $^1$</td>
<td>South - East</td>
<td>4.0</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>AQ4</td>
<td>Bhogpur RF $^2$</td>
<td>South - East</td>
<td>9.0</td>
<td>32.5</td>
<td>42</td>
<td>34</td>
</tr>
</tbody>
</table>

*: As per EIA report, **: As per monitoring conducted by CPCB, $^1$: monitoring conducted at Kuryawali Village which is 4.0 km SE from project site (during May 07-11, 2019), $^2$: monitoring conducted at Bhogpur RF which is 9.0 km SE from project site (during EIA study 2016).
Fig. 1: Location of the NAMP Station Located on the Rooftop of the CGCRI of CSIR, Khurja
Fig. 2: Wind Rose Diagram of Khurja Town, Bulandshahr (May 07 - 11, 2019)
Fig. 3: Locations of Ambient Air Quality Monitoring Stations w.r.t. Proposed Site
Fig. 4: Wind Rose Diagram at Proposed Khurja STPP Site (May 07 - 11, 2019)

- North: 25%
- East: 20%
- South: 15%
- West: 10%
- Calms: 5%

Wind Speed (m/s):
- >= 11.10
- 8.80 - 11.10
- 5.70 - 8.80
- 3.60 - 5.70
- 2.10 - 3.60
- 0.50 - 2.10
- Calms: 4.17%
Fig. 5: Location of Proposed Project with respect to Khurja Town and Delhi NCT
प्रेमक,  
सुरेश चन्द्रा,  
प्रमुख सचिव-1।  
उत्तर प्रदेश शासन।  

सेवा में,  
प्रमुख सचिव,  
ऊर्जा विभाग,  
उत्तर प्रदेश शासन।

सिंचाई एवं जल संसाधन अनुबंध-४  
लखनऊ, दिनांक: १२ जून, २०१४  
विषय: में १० टीएच०डीसी० द्वारा सूचना, जनपद बुलंदशहर में १३२० मेगावाट तापीय विद्युत परियोजना की स्थापना के सम्बंध में।  

महोदय,  
उपर्युक्त विषय के लिये विशेष संचालक, ऊर्जा अनुबंध-१ उत्तर प्रदेश शासन के पत्र संख्या-१९८९/२४-१२११-९८/२०११, दिनांक १९ जनवरी, २०११ व तत्काल में अपने अ/नं। नं। पत्र संख्या-५४७/२४-१३२०-१०४५/२०११, दिनांक ०६ मार्च, २०१४ का सन्दर्भ प्राप्त करने का कार्य करें।  

२- इस समय में मुख्य वह कहने का निदेश हुआ है कि में १० टीएच०डीसी० द्वारा सूचना, जनपद बुलंदशहर में स्थापित की जाने वाली १३२० मेगावाट तापीय विद्युत परियोजना हेतु अपने ऊर्जा कैनल की लाइनिंग से ५५ एक्सीज़ जल की जलाई हेतु विद्युत की प्रतिभोज्यता के शासन से सम्बन्ध आयुक्त का निषेध है कि समय दर्शन के अनुसार हेतु एमएनयूयू, सैद्धांतिक सम्बन्ध एवं परियोजना प्रामाण्य के टीएच०डीसी० द्वारा बचत के समबंध में जो विद्युत शासनाधीन सिंचाई विभाग, उत्तर प्रदेश द्वारा जारी किया जाएगा वह टीएच०डीसी० को माफी होगा।  
एमएनयूयू पर हस्ताक्षर न करें जाने तथा शासनाधीन एमएनयूयू में अभिलेखित कार्य से असहस्तरता बनाए करने की दृष्टि में यह प्रतिबंध तत्पर: निरंतर समझ समझे।

भव्यीम,  
(सुरेश चन्द्रा)  
प्रमुख सचिव-१।
संख्या - 48(1)/14-27-सिं-0-4. तद्विरामक
प्रतिलिपि निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित-

1. सज्जित, विश्वसंता मंदिर, भारत परमोक, अभि लक्षण, नई दिल्ली को उनके पत्र
संख्या - 11/23/2008-एच(पी.), दिनांक 02 दिसम्बर, 2013
2. ग्रामीण अभियंता एवं विधायक, सिविल विभाग को शासन के पूर्व प्रेषित पत्र
संख्या - 533/14-27-सिं-4-130(उक्त्य)/11, दिनांक 12 मई, 2014 के क्रम में इस
निर्देश के साथ प्रेषित कि टीएचडीसीई से आवश्यक विविधता जुलक करने का
तदनुसार पालिका को हस्ताक्षरित एमओसीसी एवं शासनाधीन का आलोचना
सम्पर्क प्राप्त में शासन को उपलब्ध कराने का कदम करें।
3. मुख्य अभियंता (संग्रह), सिविल विभाग, उपररो. मेरठ।
अवधिक एवं अपने निदेशक, टीएचडीसीई, गंगा भवन, प्रगतिपुरम, बाईपास रोड,
जीपिकेसी।
5. गाई फाइल।

आज्ञा से,
(सामने हुसैन)
विशेष अभिवाद्य।

[Signature]

2.7.06

[Signature]

24.6

[Signature]

24.6
मेसर्स टीएचएसडीसी, पार्व प्रोजेक्ट, दशहारा (खुज), जिला- बुलंदशहर, हेतु ऊपरी गंगा नहर से 53.00 कबूल जल दिए जाने का प्रस्ताव

जनपद-बुलंदशहर में दशहारा (खुज) के निकट मेसर्स टीएचएसडीसी, पार्व प्रोजेक्ट, दशहारा (खुज), हेतु 53 कबूल जल ऊपरी गंगा नहर के किनारे 239.300 से दिया जाना प्रस्तावित किया गया है। गृह अभियंता (जल संरक्षण), कार्यालय प्रमुख अभियंता, सिंचाई विभाग, जल प्रदेश, लखनऊ के पत्रांक 7400/अनिमित-2/यू-6/एल-13 दिनांक 25.04.2011 एवं पत्रांक 11/अनिमित-6/यू-6/एल-13 दिनांक 04.04.2011 के अनुसार उलट प्रदेश, शासन द्वारा सैद्धांतिक सहमति प्राप्त करने हेतु उपरोक्त जल की क्षति पूर्ति को नहरों की लाइनिंग कर पूरा किया जाना प्रस्तावित है। इस जल की क्षति पूर्तियें हेतु राजवाहन की लाइनिंग का प्रस्ताव बैठक किया गया है।

ऊपरी गंगा नहर प्राणी का पुरानी होने के कारण सीमेज लोंसेज लगभग स्टेडर्ड हो गये है।

लाइनिंग करने से सीमेज लोंसेज 8 कबूली प्रति मिलियन से घटकर 2 कबूली प्रति मिलियन वर्ग फुट हो जायेगा जिससे 6 कबूली प्रति मिलियन वर्ग फुट सीमेज लोंस की बचत होगी तथा नहरों का लाइनिंग करने पर आपराधिक लोंस 15 प्रतिशत से घटकर 10 प्रतिशत हो जायेगा, जिससे 5 प्रतिशत लोंस की बचत होगी। जल क्षतिपूर्ति के लिए 53 कबूलक हेतु लगभग 12.72 लाख वर्ग मीटर लाइनिंग का कार्य कराना होगा, जिसमें वेटेड एरिया 11.07 वर्ग मीटर प्रस्तावित है, लाइनिंग का क्षेत्रफल एवं बचत की गणना साथ सलाह है। जल प्रदेश शासन के पत्रांक सं./390/12-27-सित-4-136(खुज)/11 दिनांक 28.08.12 के अनुसार में प्रशस्त परियोजना का संबंधित संस्था की 53.00 कबूलक जल आपूर्ति किए जाने के फलस्वरूप किसानों के हित प्रभावित नहीं होगा।

उलट लाइनिंग का 180.405 किमी में प्रस्तावित किया गया है। लाइनिंग हेतु प्रस्तावित नहरों की परियोजना स्टेटिक जेसी बेड लेवल, एफएसएल आदि भी पूर्व के अनुसार ही रखी जाएगी ताकि लाइनिंग किए जाने से नहरों के कमण्ड क्षेत्र प्रभावित न हो।

नहरों के पूल एवं गंगा के पास केंटल घाट बनाना अंशवर्धक होगा। इस क्रम में आवश्यकतानुसार केंटल घाट प्रस्तावित किये गए हैं। इस संगी प्राविकाहों का समायोजित लाइनिंग में कर दिया गया है।

नहरों की लाइनिंग बैंकर के अनुसार उपलब्ध बैंकर ने किया जाना प्रस्तावित है।

लाइनिंग की गणना सिंचाई विभाग की दिनांक 01.09.2010 से प्रवर्तित दयानुसार चलने की जगह थी। दयानुसार लगभग एक वर्ष पूर्व संशोधित हुई की एवं कार्य अगले वर्ष में करवा कामपूर्व—2
जाना प्रस्तावित है। अतः 1 वर्ष दर अनुसूची एवं औसत 1 वर्ष कार्य का निर्माण अवधि का प्राविधिक शासनाधेश सं 223/दस-2011-17 (4)/ 75 दिनांक 25.01.2011 के अनुसार न लोक निर्माण विभाग के अनुसार 10 प्रतिशत प्रति वर्ष के दर से महंगाई बढ़ोतरी का प्राविधिक किया गया है। मैत्री- आयोजन ग्राम एवं प्रायोजनात्मक सरकार में गोवर ग्राम एवं प्रायोजन हेतु जल उपलब्धि कराने के लिए 180.405 औत्तरी प्राविधिक राजबाजार की लाइजिंग कर इस जल की क्षिति पूर्वोत्तर की जाएगी। इस हेतु मैत्री- आयोजन ग्राम एवं प्रायोजन 21280.98 लाख रुपया सिंचाई विभाग को भुगतान किया जाना प्रस्तावित किया गया है। अनुसार जल हेतु उपत्य संरचना हेतु 8 प्रतिशत एक गुण धनराशि द्वारा कार्य के रखरखाव हेतु एवं कार्य समाप्ति के एक वर्ष बाद विभाग को देनी होगी। उह धनराशि इस वित्तवृत्ति वर्ष में कार्य क्रमागत होने से पूर्व विभाग के पास जाना करानी होगी तथा आगामी वर्ष में इस धन पर प्रति वर्ष 10 प्रतिशत की दर से बढ़ोतरी होगी।

इस कार्य हेतु शासन से 53 ब्यूलेटन जल उपलब्धि हेतु आदेशी सहमति लेनी होगी। जिसके उपपत्य धन उपलब्ध हो जाने पर लाइजिंग का कार्य पूर्व हो जाने के बाद ही जल उपलब्धि कराया जा सकेगा तथा समय-समय पर उत्तर प्रदेश शासन द्वारा निधारित सौंपदी तथा जल गृह्यता मिला जाएगा।

अधिकार अभियन्ता
देशभेद गण्डल
अलीगढ़

अधिशासी अभियन्ता:-
बुलन्दशहर खंड गंगा नंधेर

मुख्य अभियन्ता (गंगा)
सिंचाई विभाग, उ.390
गंगात

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BULANDSHAHR DIVISION GANGA CANAL, BULANDSHAHR
PROJECT ESTIMATE FOR PROVIDING 53.00 CU SEC WATER SUPPLY TO M/s T.H.D.C.,
DASHERA, (KHURJA) IN DISTT - BULANDSHAHR

AREA OF LINING REQUIRED TO SAVE 53.00 CU SEC OF WATER

Under "Upper ganga Canal Modernisation Project" whole the Bulandshahr Distributary System has been lined since 1995. According to information collected from above the following losses has been observed pre and post lining of the whole system.

1. Seepage losses will be reduced from 8 to 2 cusecs of wetted perimeter per million square feet. Thus 6 cusecs is saved per million square feet of lined area.

A. Evaporation Losses:

Saving is Zero as surface area is same in both the conditions.

B. Operational Losses:

Thus Operational Losses shall be 5%

5% of 53.00 Cusecs = 2.65 Cusecs

Balance seepage water is required to be saved by lining

= 53.00 - 2.65 = 50.35 Cusecs

C. Seepage Losses:

50.35 Cusecs water shall be saved by lining : Saving of water per square meter of lining

= 10.76 x 6 / 10^6 = 0.00006456

Say 6.456 x 10^-5 Cusecs per Sqm.

Therefore to save 50.35 cusecs of water from seepage, area of lining required shall be

= 50.35 / 6.456 x 10^-5 = 7.799 Lacs Sqm area with wetted perimeter is required to be lined

Channel running as according to Roster

Roster factor is 1.86 (as per annexure 1 enclosed)

Hence

Resultant,

Therefore, the lining area shall be 12.73 Lacs sqm including free board etc., as per details enclosed.

JUNIOR ENGINEER
ASSISTANT ENGINEER
EXECUTIVE ENGINEER

B.D.G.C., BULANDSHAHR

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BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

Appeal No. 19/2017
(M.A. No.827/2017, M.A. No.1000/2017,
M.A. No.1001/2017, M.A. No.170/2018 &
M.A. No. 837/2018)

Social Action for Environment and Forest (SAFE)  Appellant(s)

Versus

Union of India & Ors.  Respondent(s)

Date of hearing: 28.02.2019

CORAM:  HON’BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON’BLE MR. JUSTICE S.P. WANGDI, JUDICIAL MEMBER
HON’BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER
HON’BLE DR. NAGIN NANDA, EXPERT MEMBER

For Appellant(s):  Mr. Ritwick Dutta, Mr. Saurabh Sharma and
Mr. Sharan Balkrishna, Advocates
For Respondent(s):  Mr. Krishna Kumar Singh, Advocate for
MoEF&CC
Mr. Daleep Dhyani, Advocate for R-2
Mr. Harin P. Ravan, Sr. Advocate, Mr. Nipun Saxena, Mr. Aditya P. Arora, Mr. Uttar Datt and
Ms Sonakshi Singh, Advocates

ORDER

1. The issue for consideration is validity of Environmental
Clearance granted for setting up of thermal power station by
the THDC India Limited, Respondent No. 3 at Khurja, District
Bhulendshahar, State of Uttar Pradesh.

2. On 13.12.2018, certain issues were considered with regard to
analysis of the data by the Expert Appraisal Committee and
following order was passed:
“One of the points for consideration during the hearing is the correctness of the Ambient Air Quality data furnished by the Project Proponent and relied upon by the Environment Impact Assessment Authority. A perusal of chart at page 185 shows PM$_{2.5}$ value to be between 32 to 40 from October to December, 2012 and 32 to 45 from March to May, 2016. It is, however, not clear as to what is the source of the said data and how the same was verified by EAC. It is also not clear as to how the wind direction is to be taken to be favourable in the context of its impacts on NCT of Delhi, as suggested by project proponent. Further question is the downstream impact on the water which is said to be sourced from upper Gangetic canal.

A proper verified information on above aspects has to be looked into before this appeal is decided. Let an affidavit be filed by Ministry of Environment, Forest and Climate Change on above points, within three weeks from today.

List for further consideration on 20.02.2019.”

3. Accordingly, the Ministry of Environment, Forest and Climate Change (MoEF&CC) has filed an affidavit which merely refers to the report of the accredited agency which was considered by the Expert Appraisal Committee without any further analysis as was expected in terms of the above order.

4. In view of above, we consider it necessary to have an independent expert report in the matter from a joint Committee of representatives of Central Pollution Control Board (CPCB) and Indian Institute of Technology, Delhi. The nodal agency will be the CPCB for coordination and compliance.
5. Let such report be furnished within two months by e-mail at
ngt.filing@gmail.com.

6. Parties are at liberty to furnish relevant documents to the
CPCB within two weeks.

List for further consideration on 03.05.2019.

February 28, 2019
Appeal No. 19/2017
(M.A. No.827/2017, M.A. No.1000/2017,
M.A. No.1001/2017, M.A. No.170/2018 &
M.A. No. 837/2018)

Adarsh Kumar Goel, CP

S.P. Wangdi, JM

K. Ramakrishnan, JM

Dr. Nagin Nanda, EM