

**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 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 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 station 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.

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

*: 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 $\mu g/Nm^3$, 32&47, $\mu g/Nm^3$, 33&46 $\mu g/Nm^3$ and 34&48 $\mu g/Nm^3$ 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 & 91 $\mu g/Nm^3$ (09.05.2019 & 10.05.2019), 73& 75 $\mu g/Nm^3$ (07.05.2019 & 08.05.2019), 36 & 50 $\mu g/Nm^3$ (07.05.2019& 08.05.2019) and 50 & 171 $\mu g/Nm^3$ (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 (compared with Bhogpur RF data of 2016 as both are in SE direction from the site of STPP) respectively. Based on the ratios it is clear that concentration of $PM_{2.5}$ in May 7-11, 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 m³/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

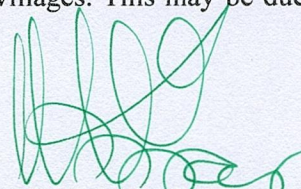
- 5.1 The range of 24-hour concentrations of $PM_{2.5}$ as reported in the EIA study at the STPP monitoring/sampling locations are 32 - 48 $\mu g/m^3$, respectively, in March to May 2016.

The range of 24-hour concentrations of $PM_{2.5}$ as observed during May 7-11, 2019 is 36-171 $\mu g/m^3$. 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 $\mu g/m^3$ except at locations at Jawal and Kuryawali villages. This may be due to local activities and weather conditions.



(Dr. S.K. Paliwal)
Scientist D, CPCB



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

Table 1.0: Ambient Air Quality Data at 04 locations around proposed site of Khurja STPP of M/s THDC India Limited

Code	Stations	Direction	Distance (Km)	October - December, 2012*		March - May, 2016*		Two 24 hrly sample at each location during May 07 - 11, 2019**	
				PM _{2.5} (µg/m ³)		PM _{2.5} (µg/m ³)		PM _{2.5} (µg/m ³)	
				Min	Max	Min	Max		
AQ1	Gwarauli Village	East	4.0	32.8	40.2	32	45	42	91
AQ2	Jawal Village	West	2.5	30.2	38.0	32	47	36	50
AQ3	Nagla Shakhua	North	6.5	31.0	40.8	33	46	73	75
AQ4	Kuryawali village ¹	South - East	4.0	-	-	-	-	50	171
AQ4	Bhogpur RF ²	South - East	9.0	32.5	42	34	48	-	-

*: 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

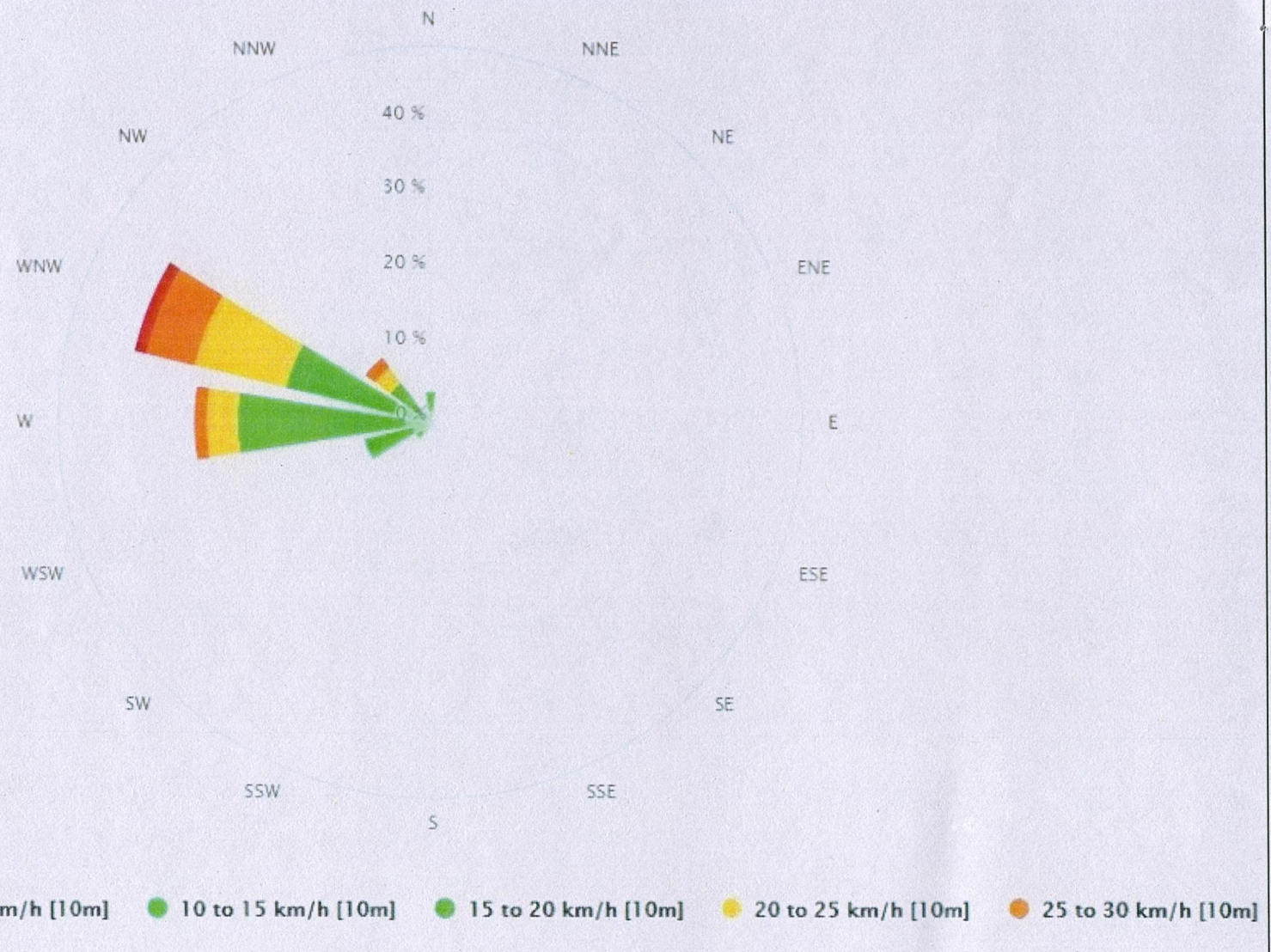


Fig. 2: Wind Rose Diagram of Khurja Town, Bulandshahr (May 07 - 11, 2019)

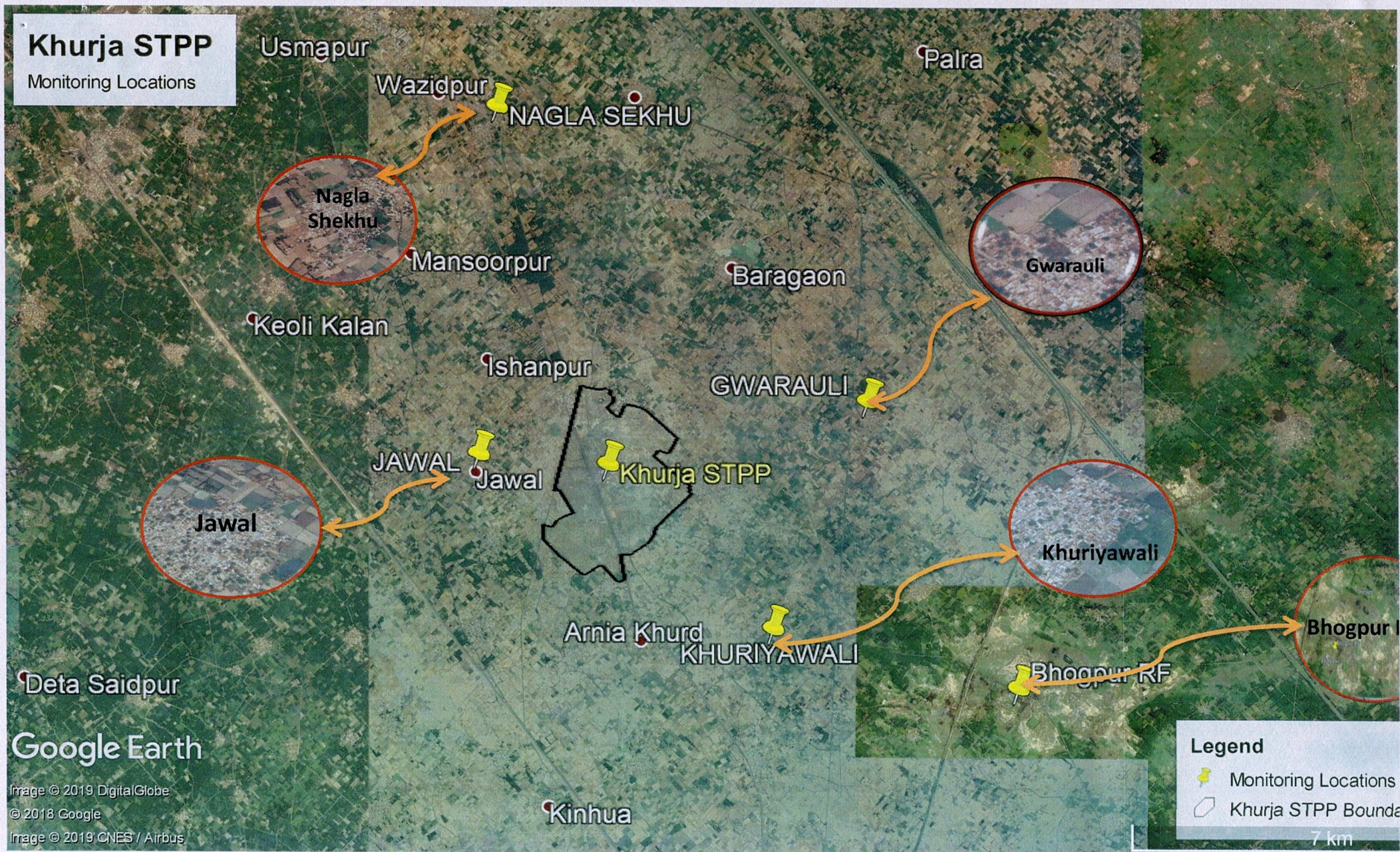
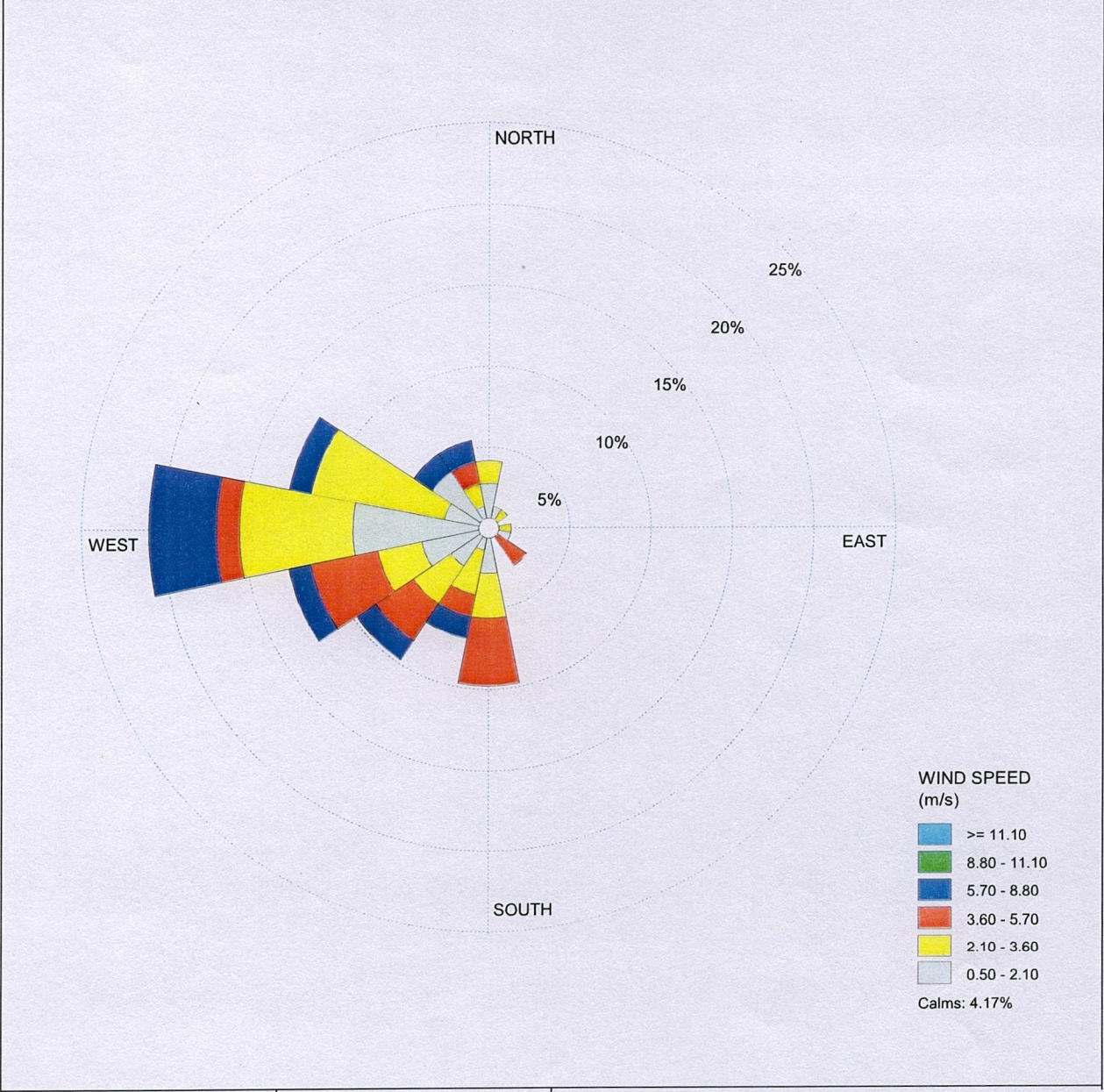


Fig. 3: Locations of Ambient Air Quality Monitoring Stations w.r.t. Proposed Site

Fig. 4: Wind Rose Diagram at Proposed Khurja STPP Site (May 07 - 11, 2019)



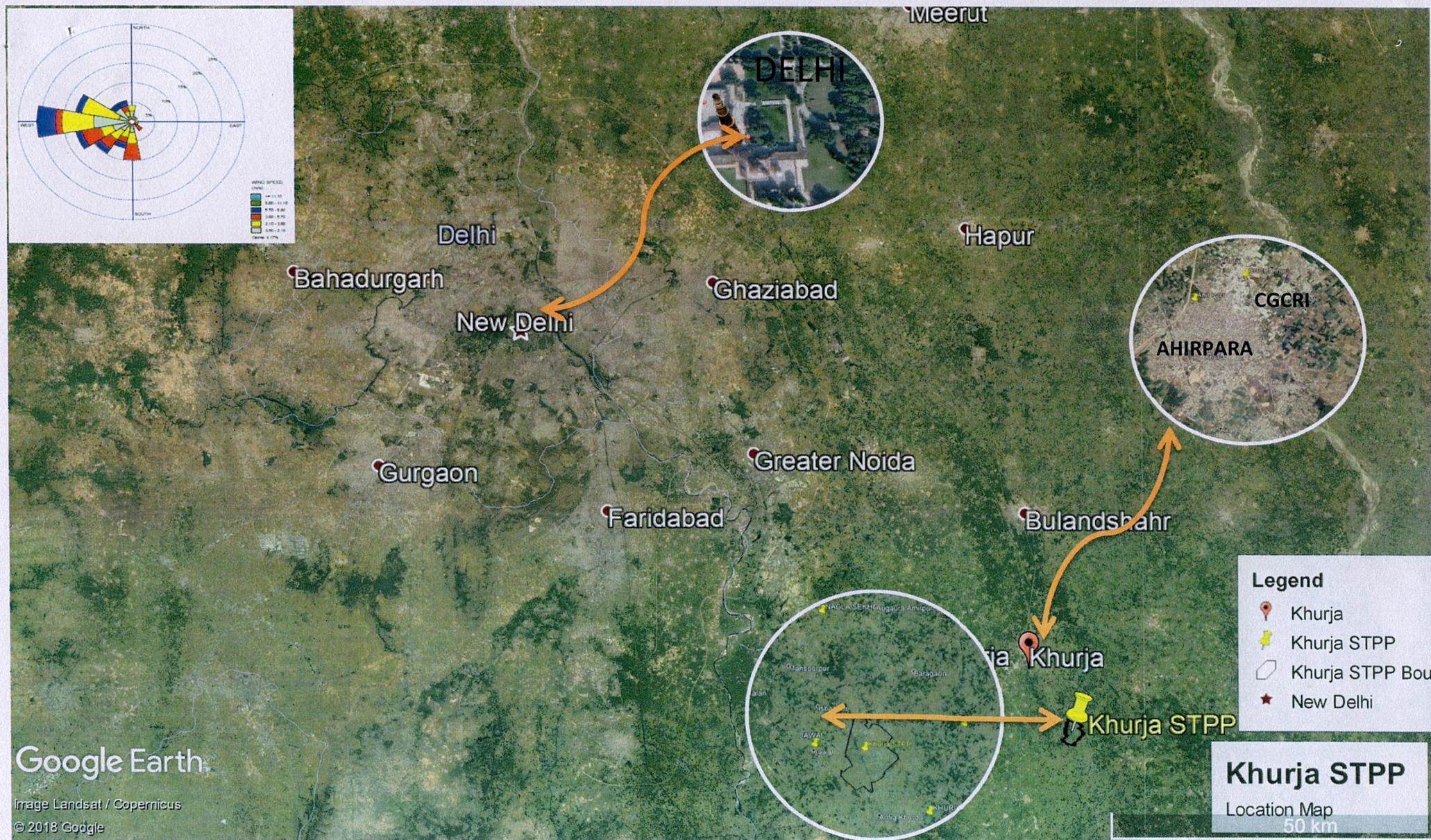


Fig. 5: Location of Proposed Project with respect to Khurja Town and Delhi NCT

संख्या-48मु0स0/14-27-सिं0-4-136(डब्ल्यू)/11

प्रेषक,

सुरेश चन्द्रा,
प्रमुख सचिव-11,
उत्तर प्रदेश शासन।

सेवा में,

प्रमुख सचिव,
ऊर्जा विभाग,
उ0प्र0 शासन।

सिंचाई एवं जल संसाधन अनुभाग-4

लखनऊ, दिनांक: 12 जून, 2014

विषय: मे0 टी0एच0डी0सी0 द्वारा खुर्जा, जनपद बुलन्दशहर में 1320 मे0वा0 तापीय विद्युत परियोजना की स्थापना के सम्बन्ध में।

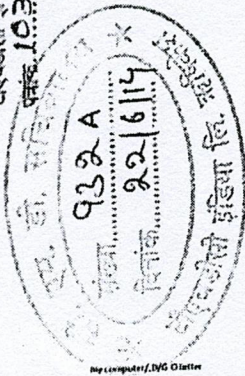
महोदय,

उपर्युक्त विषयक विशेष सचिव, ऊर्जा अनुभाग-1 उ0प्र0 शासन के पत्र संख्या-98/24-1-11-98/2011, दिनांक 19 जनवरी, 2011 एवं तत्क्रम में अपने अ0शा0 पत्र संख्या-547/24-पी0-1-2014-98/2011, दिनांक 06 मार्च, 2014 का सन्दर्भ ग्रहण करने का कष्ट करें।

2- इस सम्बन्ध में मुझे यह कहने का निदेश हुआ है कि मे0 टी0एच0डी0सी0 द्वारा खुर्जा, जनपद बुलन्दशहर में स्थापित की जाने वाली 1320 मे0वा0 तापीय विद्युत परियोजना हेतु अपर गंगा कैनल की लाईनिंग से 63 क्यूसेक जल की बचत द्वारा जलापूर्ति हेतु प्रतिबद्धता। इस शर्त के साथ प्रदान की जाती है कि सक्षम स्तर के अनुमोदनोपरान्त एम0ओ0यू0, सैद्धांतिक सहमति एवं परियोजना लागत के टी0एच0डी0सी0 द्वारा वहन के सम्बन्ध में जो विस्तृत शासनादेश सिंचाई विभाग, उ0प्र0 शासन द्वारा जारी किया जाएगा वह टी0एच0डी0सी0 को मान्य होगा। एम0ओ0यू0 पर हस्ताक्षर न किए जाने तथा शासनादेश/एम0ओ0यू0 में उल्लिखित शर्तों से असहमति व्यक्त किए जाने की दशा में यह प्रतिबद्धता स्वतः निरस्त समझी जाएगी।

भवदीय,

(सुरेश चन्द्रा)
प्रमुख सचिव-11



AGM (D.T.)

0/355

संख्या-48(1)/14-27-सिं0-4, तददिनांक

प्रतिलिपि निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित:-

1. सचिव, विद्युत मंत्रालय, भारत सरकार, श्रम शक्ति भवन, नई दिल्ली को उनके पत्र संख्या-11/23/2008-एच0(Pt.), दिनांक 02 दिसम्बर, 2013
2. प्रमुख अभियन्ता एवं विभागाध्यक्ष, सिंचाई विभाग को शासन के पूर्व प्रेषित पत्र संख्या-533/14-27-सिं-4-136(डब्ल्यू)/11, दिनांक 12 मई, 2014 के क्रम में इस निर्देश के साथ प्रेषित कि टी0एच0डी0सी0 से आवश्यक विधीक्षण शुल्क जमा करा कर तदनुसार वांछित दोनों पक्षों द्वारा हस्ताक्षरित एम0ओ0यू0 एवं शासनादेश का आलेख्य सॉफ्ट प्रति में शासन को उपलब्ध कराने का कष्ट करें।
3. मुख्य अभियन्ता (गंगा), सिंचाई विभाग, उ0प्र0 मेरठ।
- ✓ 4. अध्यक्ष एवं प्रबन्ध निदेशक, टी0एच0डी0सी0, गंगा भवन, प्रगतिपुरम, बाईपास रोड, ऋषिकेश।
5. गार्ड फाईल।

का निदेशक कार्यालय
O/o Executive
एरर-को
सं/No. 100
दि. 2.7.16/16

वि (त)
30/06/2016
24/07/16

आज्ञा से,

11.6.16
(शफीक हुसैन)
विशेष सचिव।

EDC/SP)
24/07/16

24/07/16

भ.प्र.प्र. (य.०.)

मैसर्स टी0एच0डी0सी0 पावर प्रोजेक्ट, दशहरा (खुर्जा), जिला- बुलन्दशहर, हेतु ऊपरी गंगा नहर से 53.00 क्यूसेक जल दिए जाने का प्रस्ताव

जनपद-बुलन्दशहर में दशहरा (खुर्जा) के निकट मैसर्स टी0एच0डी0सी, पावर प्रोजेक्ट, दशहरा (खुर्जा), हेतु 53 क्यूसेक जल ऊपरी गंगा नहर के कि0मी0 239.300 से दिया जाना प्रस्तावित किया गया है। मुख्य अभियंता (जल संसाधन), कार्यालय प्रमुख अभियन्ता, सिंचाई विभाग, उत्तर प्रदेश, लखनऊ के पत्रांक 7400/अ0नि0मं0-2/यू-6/एल0-13 दिनांक 25.04.2011 एवं पत्रांक 11/ अ0नि0मं0- /यू-6/एल0-13 दिनांक 04.04.2011 के अनुरूप उत्तर प्रदेश, शासन द्वारा सैद्धान्तिक सहमति प्राप्त करने हेतु उपरोक्त जल की क्षति पूर्ति को नहरों की लाइनिंग कर पूरा किया जाना प्रस्तावित है। इस जल की क्षतिपूर्ति हेतु राजवाहों की लाइनिंग का प्रस्ताव तैयार किया गया है। ऊपरी गंगा नहर प्रणाली काफी पुरानी होने के कारण सीपेज लॉसेज लगभग स्टेबलाइज हो गये हैं। लाइनिंग करने से सीपेज लॉसेज 8 क्यूसेक प्रति मिलियन से घटकर 2 क्यूसेक प्रति मिलियन वर्ग फुट हो जायेगा जिससे 6 क्यूसेक प्रति मिलियन वर्ग फुट सीपेज लॉस की बचत होगी तथा नहरों में लाइनिंग करने पर आपरेशन लॉस 15 प्रतिशत से घटकर 10 प्रतिशत हो जायेगा, जिससे 5 प्रतिशत लॉस की बचत होगी। जल क्षतिपूर्ति के लिए 53 क्यूसेक 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 संलग्न है। उत्तर प्रदेश शासन के पत्रांक सं0 390/12-27-सिं-4-136(डब्ल्यू)/11 दिनांक 28.08.12 के अनुपालन में उपरोक्त परियोजना द्वारा संबंधित संस्था को 53.00 क्यूसेक जल आपूर्ति किए जाने के फलस्वरूप किसानों का हित प्रभावित नहीं होगा।

उक्त लाइनिंग का 180.405 कि0मी0 में प्रस्तावित किया गया है। लाइनिंग हेतु प्रस्तावित नहरों की एरिया स्टैटिक जैसे बेड लेवल, एफ0एस0एल0 आदि भी पूर्व के अनुसार ही रखी जाएगी ताकि लाइनिंग किए जाने से नहरों के कमाण्ड क्षेत्र प्रभावित न हो।

नहरों के पुल एवं गाँव के पास कैटल घाट बनाना श्रेयस्कर होगा। इस काम में आवश्यकतानुसार कैटल घाट प्रस्तावित किए गये हैं। इन सभी प्राविधानों का समावेश लाइनिंग में कर दिया गया है।

नहरों की लाइनिंग रोस्टर के अनुसार उपलब्ध क्लोजर में किया जाना प्रस्तावित है। परियोजना की गणना सिंचाई विभाग की दिनांक 01.08.2010 से प्रचलित दर अनुसूची के अनुसार की गयी है। दर अनुसूची लगभग एक वर्ष पूर्व संशोधित हुई थी एवं कार्य अगले वर्ष में कराया

कमश.—2

जाना प्रस्तावित है। अतः 1 वर्ष दर अनुसूची एवं औसत 1 वर्ष कार्य का निर्माण अवधि का प्राविधान शासनादेश सं० -ए-223/दस-2011-17 (4)/ 75 दिनांक 25.01.2011 के अनुपालन में लोक निर्माण विभाग के अनुरूप 10 प्रतिशत प्रति वर्ष के दर से महंगाई बढ़ोतरी का प्राविधान किया गया है। मैसर्स टी०एच०डी०सी० पावर प्रोजेक्ट, दशहरा (खुर्जा), जिला- बुलन्दशहर में पॉवर प्रोजेक्ट हेतु जल उपलब्ध कराने के लिए 180.405 कि०मी० राजवाहें की लाइनिंग कर इस जल की क्षति पूर्ति की जाएगी। इस हेतु मैसर्स टी०एच०डी०सी० द्वारा लागत रु० 21280.98 लाख रुपया सिंचाई विभाग को भुगतान किया जाना प्रस्तावित किया गया है। अनुरक्षण हेतु उक्त संस्था द्वारा 8 प्रतिशत एक मुश्त धनराशि द्वारा कार्य के रखरखाव हेतु व कार्य समाप्ति के एक वर्ष बाद विभाग को देनी होगी। यह धनराशि इस वित्तीय वर्ष में कार्य प्रारम्भ होने से पूर्व विभाग के पास जमा करानी होगी तथा आगामी वर्षों में इस धन पर प्रति वर्ष 10 प्रतिशत की दर से बढ़ोतरी होगी।

इस कार्य हेतु शासन से 53 क्यूसेक जल उपलब्धता हेतु सैद्धांतिक सहमति लेनी होगी, जिसके उपरान्त धन उपलब्ध हो जाने पर लाइनिंग का कार्य पूर्ण हो जाने के बाद ही जल उपलब्ध कराया जा सकेगा तथा समय-समय पर उत्तर प्रदेश शासन द्वारा निर्धारित रॉयल्टी तथा जल मूल्य लिया जायेगा।

अधीक्षण अभियन्ता
ड्रेनेज मण्डल
अलीगढ़

अधिशाली अभियन्ता
बुलन्दशहर खण्ड गंगा नहर
बुलन्दशहर

मुख्य अभियन्ता (गंगा)
सिंचाई विभाग, उ०प्र०
मेरठ

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

AREA OF LINING REQUIRED TO SAVE 53.00 CUSEC 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%

$$5 \% \text{ of } 53.00 \text{ Cusecs} = 2.65 \text{ Cusecs}$$

Balance seepage water is required to be saved by lining

$$= 53.00 - 2.65 = 50.35 \text{ Cusecs}$$

C Seepage Losses :-

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

$$= 10.76 \times 6 / 10^6 = 0.00006456$$

Say 6.456×10^{-5} Cusecs per Sqm.

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

$$= 50.35 / 6.456 \times 10^{-5} = 7.799 \text{ Lacs Sqm area with wetted perimeter is required to be lined}$$

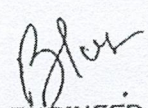
Channel running as according to Roster

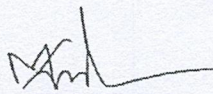
Roster factor is 1.86 (as per annexure 1 enclosed)


Hence $7.799 \times 1.42 = 11.07$ Lacs Sqm area with wetted perimeter is required to be lined

Resultant,

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


JUNIOR ENGINEER


ASSISTANT ENGINEER
B.D.G.C., BULANDSHAHR


EXECUTIVE ENGINEER
B.D.G.C., BULANDSHAHR

Item No. 01

Court No. 1

**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.

Adarsh Kumar Goel, CP

S.P. Wangdi, JM

K. Ramakrishnan, JM

Dr. Nagin Nanda, EM

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)
A