

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.**

(Through Physical Hearing with Hybrid VC Option)

Original Application No. 617/2022

Pushpender

...Applicant

Versus

State of Uttar Pradesh & Ors.

...Respondents

Date of hearing: 16.05.2023

**CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER.
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER.**

Applicant: None.

Respondents: Mr. Arvind Kumar, Advocate for respondent no. 2-UPPCB.
Mr. Jatin Ghuliani, Mr. Lakshit Singh and Mr. Subhash
Chandra Pandey, Advocates for respondent no. 4-PPGCL.
Mr. S.H. Pandey, PPGCL.
Mr. Pinaki Misra, Sr. Advocate with Ms. Vanita Bhargawa,
Advocate for respondent no. 5-M/sUltratech Cement Ltd.
Mr. A. Kumar, General Manager, M/sUltratech Cement
Ltd.
Mr. R.K. Singh for SPCB.
Ms. Jesal Wahi, Amicus Curiae.

Application is registered based on a letter petition received by email.

ORDER

1. The grievance in this application is regarding causing of air and water pollution by M/s Prayagraj Power Generation Company Ltd. and M/s Ultratech Cement Limited.

2. Vide order dated 29.09.2022, this Tribunal constituted a Joint committee which submitted its report vide email dated 17.01.2023 on which notices were ordered to be issued to the respondents.

3. Pursuant to notice replies have been filed by respondent no. 4 vide email dated 01.04.2023, by respondent no. 5 vides separate emails dated 20.04.2023 and 15.05.2023 and reports were filed vides separate emails dated 20.04.2023 and 12.05.2023. Affidavits have been filed by respondent no. 4 vides separate emails dated 01.05.2023 and 09.05.2023.

-2-

4. In the additional affidavit/report filed by respondent no. 4 vide email dated 02.05.2023, it has been mentioned that RO plant in question has been made functional.

5. In compliance of order dated 24.04.2023 Mr. S.H. Pandey, PPGCL and Mr. A. Kumar, General Manager, M/s Prayagraj Power Generation Company Ltd. have appeared through VC and we have interacted with them.

6. In the present case adjudication of the question regarding compliance with EC/CTE/CTO consent conditions and taking of remedial measures for abatement of environmental pollution and protection and improvement of environment by the Project Proponents is involved.

7. We find the replies/reports filed to be vague/evasive. Respondents no. 4 and 5 are directed to file replies regarding compliance with EC/CTE/CTO consent conditions imposed on them and remedial measures taken by them in accordance with observations/recommendations made by the Joint Committee with all requisite details regarding all relevant aspects including plantation, CSR activities and remedial measures taken for abatement of air and water pollution and respondents no. 2 and 3 are directed to verify the status regarding such compliance by respondents no. 4 and 5.

8. Additional reply by respondents no. 4 and 5 and reports by respondents no. 2 and 3 as mentioned above be filed **within two months** by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF.

-3-

9. With regard to the payment of honorarium and other expenses as ordered on 23.01.2023 to the amicus curie we direct UPPCB to incur the said expenditure from the funds of environmental compensation available with them.

10. List for further consideration on 16.08.2023.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

May 16 2023
AG