

**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
(THROUGH PHYSICAL HEARING WITH HYBRID MODE)**

Original Application No.138/2023/EZ
(Earlier O.A. No.181/2022/PB)

IN THE MATTER OF

Dinesh Prasad Chaurasia & Ors.,

...Applicant(s)

Versus

State of Bihar

...Respondent(s)

Date of hearing: 07.08.2024

**CORAM: HON'BLE MR. JUSTICE B. AMIT STHALEKAR, JUDICIAL MEMBER
HON'BLE DR. ARUN KUMAR VERMA, EXPERT MEMBER**

For Applicant(s) : None

For Respondent(s) : Ms. Amrita Pandey, Advocate for Bihar SPCB (in Virtual Mode)
Mr. Adarsh Tripathi, Advocate for NTPC (in Virtual Mode),

ORDER

1. Case called out. No one is present for the Applicant.
2. We have heard Ms. Amrita Pandey, learned Counsel present (in Virtual Mode) for the Bihar State Pollution Control Board and Mr. Adarsh Tripathi, learned Counsel present (in Virtual Mode) for the NTPC.
3. The Original Application No.181/2022/PB was registered *suo motu* at the New Delhi Bench of the Tribunal on a letter petition sent by Mr. Dinesh Prasad Chaurasia, the Applicant, and residents of Village-Narsanda, P.O./P.S.-Kanti, District-Muzaffarpur, Bihar, alleging that fly ash is being dumped and effluent is being discharged by the Kanti Bijlee Utpadan Nigam Limited ('KBUNL' for short), of the NTPC on adjoining agricultural land in Village-

Narsanda, causing flooding of farmers' private land making the same infertile.

4. It is also alleged that as a result, no crops could be cultivated there and fruit bearing trees on land near fly ash dyke have also dried up.
5. The New Delhi Bench of the Tribunal thereafter constituted a Joint Committee comprising of the following Members:-
 - (i) Central Pollution Control Board,
 - (ii) Regional Office, MoEF&CC, Ranchi,
 - (iii) State Pollution Control Board, and
 - (iv) District Magistrate, Muzaffarpur, Bihar.
6. The State Pollution Control Board was required to file the Joint Committee Report.
7. In compliance of the order of the Tribunal, the Joint Committee visited the site in question on 19.05.2022 and submitted its Report vide e-mail dated 29.06.2022. The relevant extract of the Report as has been extracted in para 3 of the Tribunal's order dated 11.07.2022 reads as under:-

“Description of Site:

M/s Kanti Bijali Utpadan Nigam Limited is a unit of M/s National Thermal Power Corporation (NTPC), Kanti, Muzaffarpur has established 3-numbers of Fly-Ash Dykes & 1-number of Fly-Ash Pond in the north-south area between village: Narsanda & Kanti, PO+PS: Kanti, District: Muzaffarpur. The village Narsanda is situated in the east side of fly-ash dyke No-1 & 2, while Ward no - 8 is situated in the south & Ward No — 7 in the west of village — Kanti from the Fly-ash Pond. The fly-ash is found in practice to store, loading, unloading and transportation outside the fly-ash Dykes & fly-ash Pond on vehicles regularly.

