

NGT closes complaint alleging unscientific discharge of fly ash slurry against a major Thermal Power Plant in Madhya Pradesh



BRIEF FACTS

1. An e-mail complaint was filed before the National Green Tribunal (“NGT”) alleging that M.B.Power (Madhya Pradesh) Ltd. was indulging in unscientific discharge of fly ash slurry in Khirna storm water drain, Anupur District, thereby affecting environment and public health.

2. The NGT, by its order dated 22.12.2021, constituted a Joint Committee of Central Pollution Control Board (“CPCB”), State PCB and District Magistrate, Anupur to ascertain the factual position and furnish a report.

3. The Joint Committee filed its report dated 17.01.2022 which was considered by the NGT on 10.03.2022. While the main observations of the Joint Committee indicated that there was no accumulation of fly ash at the behest of MB Power and the water was not contaminated i.e., it was clear, colourless and odourless, the NGT, however, sought to clarify the following two issues: -

- There was no question of dumping fly ash in low-lying areas when it was reported that the TPP was achieving 100% fly ash utilization. This was to be clarified.
- Whether the CPCB / State PCB consent conditions were being complied with?

4. Accordingly, a Joint Committee of Regional Officer, MoEF&CC & Regional Officer, CPCB was constituted to verify the aforesaid two aspects and furnish a report.

5. The Joint Committee had found that: -

- No discharge of fly ash slurry into the Khirna Nalah and the disposal of the ash in low lying areas were in line with the Consent Conditions and CPCB guidelines.
- Ash pond had HDPE lining which was confirmed with original drawings, purchase orders as well as photographic evidences.
- The low-areas where ash was disposed shall be kept under surveillance and also conduct annual Ground Water monitoring.
- Proper watch and ward arrangements shall be made at each of the low lying areas till plant became self-sustaining.

RULING

6. Taking note of the aforesaid observations, the Hon'ble NGT observed that no further orders were necessary at this stage. Accordingly, the complaint was disposed of. SKV Law Offices (Managing Partner - Shri Venkatesh, Senior Associates - V.M Kannan and Jatin Ghuliani and Associate – Isnain Muzamil) appeared on behalf of M.B. Power (Madhya Pradesh) Ltd. (Moser Baer).

Please find the judgement [here](#).

SKV Comment

In our opinion, Hon'ble NGT has rightly closed the complaint keeping in view two reports which had indicated that TPP was compliant with the approvals granted to it