

BEFORE THE NATIONAL ENVIRONMENT APPELLATE AUTHORITY

NEW DELHI

DATED 27TH APRIL, 2010

PRESENT:
HON^{BLE} MEMBER J.C. KALA

APPEAL 45 OF 2009

BETWEEN:

Paryawaran Mitra Bahuuddeshia Sanstha,
Through its Vice President,
Shri Deepak S/o. Bharatsingh Dixit,
Aged about 44 years, Occupation: Social Service,
R/o. Civil Lines, Chandrapur,
Tahsil & District : Chandrapur.

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APPELLANT

AND :

1. Ministry of Environment and Forests,
Government of India,
Paryavaran Bhawan, C.G.O Complex,
Lodhi Road, New Delhi – 110 003
2. M/s. Dhariwal Infrastructure Private Ltd.,
1008, A Wing, Lokmat Bhawan,
10th Floor, Nagpur – 440 012

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RESPONDENTS

Counsel for Appellant : Shri Rahul Choudhary, Advocate
Shri Deepak B Dixit

Counsel for Respondents:

Respondent No. 1 (MoEF) : Not Present

Respondent No. 2 : Shri Vikas Singh, Sr. Advocate
(M/s. Dhariwal Infrastructure Pvt. Ltd.) along with Shri Anil Dutt, Advocate



ORDER

This is an appeal preferred under section 11(1) of the National Environment Appellate Authority Act, 1997 against order no. J-13011/10/2009.IA-II(T) dated 4th December, 2009 of Respondent-1 (MoEF) conveying Environmental Clearance in favour of M/s. Dhariwal Infrastructure Private Limited for setting up 2x300 MW Coal Based Thermal Power Plant in MIDC Industrial Area at village Tadali, in District Chandrapur in Maharashtra with a prayer to set aside the Environmental Clearance dated 4th December 2009. The said Appeal was preferred on 29.12.2009 before the NEAA. The Appeal was registered and listed for hearing on admission on 09.02.2010. The Authority allowed the request of the Appellant to file rejoinder to the reply of the Respondent-2 and to engage an Advocate. Accordingly, the Appeal was listed for hearing on admission on 17.03.2010. Shri Rahul Choudhary filed Vakalathnama on behalf of the Appellant on 17.03.2010 and prayed for 6 weeks adjournment to file rejoinder which was allowed and finally the case was fixed for hearing on admission on 27th April, 2010.

2. Counsel for the Appellant argued that the appellant is a society with an aim to protect environment in the state of Maharashtra and particularly in Chandrapur District. His association is deeply concerned with the pollution problems of the existing industries which is further aggravated by grant of present Environmental Clearance by Respondent-1. He submitted that it is necessary to set aside the Environmental Clearance granted to the present industry in view of 'Environmental Status and Action Plan for control of Pollution at Chandrapur' brought out by Maharashtra Pollution Control Board..

3. Counsel for the Respondent-2 submitted that the Appellant has not mentioned in Appeal that as to how he would be affected by grant Environment Clearance to this project. Further, the authorization filed by him representing the society does not even bear the signatures of the members and does not disclose the residence of the members, which reveals that the members are not residing near the project site. On the request of the Appellant, the Authority granted sufficient time to file rejoinder, which was not filed till today and further time to file rejoinder may not be granted. Further, the Environmental Clearance has been granted after fulfilling all requirements as envisaged under the EIA Notification, 2006. He stated that after satisfying all the norms prescribed for the environmentally sustainable



operations of the project, no persons would be adversely affected. The Environmental Clearance could not be challenged on the mere apprehension of some social group highlighting generic environment concern and requested to reject the prayer of the Appellant by opposing to grant further time to file rejoinder etc.

4. The matter has been carefully examined by the Authority in the succeeding paragraphs:

- 4.1 The Respondent-2 (M/s. Dhariwal Infrastructure Pvt. Ltd.) is setting up a 2 x 300 MW Thermal Power Plant in a designated Industrial area where there is no ban to set up Thermal Power Plant;
- 4.2 All the impacts of this Thermal Power Plant on environment have been duly considered by Expert Appraisal Committee and in turn by the Ministry of Environment & Forests while granting Environmental Clearance to the above project;
- 4.3 It is observed that the Ministry has been gradually tightening the pollution norms and the norms prescribed for the Thermal Power Plant in question are more stringent than in the past while the clearance has also prescribed necessary safeguards;
- 4.4 Appellant has not shown as to how this plant with prescribed norms and safeguards would adversely affect the environment. The study report of Maharashtra pollution Control Board highlights the need for strict observance of pollution control laws and does not provide adequate ground to quash the EC;
- 4.5 The need to bridge the gap between demand and supply of electricity in Maharashtra require hardly any over-emphasis as long as environment is safeguarded; and
- 4.6 The appeal lack grounds to show as to how the appellant is aggrieved by the grant of EC to this industry. Appellant has been given enough time in the past and his request for further time to have access to EIA report is nothing but to discover new grounds to challenge the EC. While a reference to the



proceedings of EAC and the conditions of the clearance of the Ministry are good enough to prove that the EC is in order.

5. In view of above, the Authority finds that the appeal lacks merit for further discussion and therefore is not admitted. Ministry however, is directed to ensure that its Regional offices and the State Pollution Control Boards strictly implement the conditions of Clearances granted to the Industries both now and in the past.


(J.C. Kala)
Member

Court Master
National Environment Appellate Authority
Room 210, 100, Birla Centre Place,
New Delhi-110006