



# stoppwatch

A CAG Initiative

Monthly newsletter of Thermal Watch— an initiative to empower those impacted by thermal power plants

## NGT suspends Environmental Clearance for plant in Bijapur

The National Green Tribunal has suspended the environmental clearance to NTPC's 2400 MW Kudgi Super Thermal Power Plant thermal power project in Bijapur, Karnataka, for falsifying information while seeking the mandatory green nod. The MoEF has been ordered to re-valuate the case and put the existing clearance on hold. The NTPC approached the Supreme Court within 24 hours appealing against the tribunal's order. The NGT order has been stayed and posted for final hearing on August 5.

### Willful suppression of facts about the land

The public sector company, instead of disclosing that the plant was located on prime agricultural land, claimed it was mostly barren land and partly agricultural with a single crop cultivation. However, the appellant produced records which revealed that more than 50 percent of the land was irrigated. The remaining land was also agricultural, mainly rain-fed.

The appellant- MP Patil, President of Parisara Raksana Seva Vedike - also argued that the Government of Karnataka, based on a demand by the NTPC, had agreed to provide 3000 acres of land to the proponent, which 230 acres more than what is recommended by the CEA. ([Report: CEA's Review of Land Requirement for TPPs, Sep 2010](#))

The MoEF clarified in a separate reply filed by it that NTPC had informed the ministry that the land for the proposed project was mostly barren and rocky. Neither in the EIA nor in the questionnaire furnished by the NTPC for appraisal was it revealed that the site area included the area of the Mulwad Lift Irrigation Scheme, which was being implemented by the state government. But the NGT did not pass any strictures against the Ministry for not verifying the facts presented by the proponent.

The NGT noted that there was a mismatch of details presented in the EC about the land compared to the truth. Satellite imagery sub-

mitted in the EIA confirmed that the land proposed was agricultural. But even the EC noted that the land to be acquired by the proponent was mostly barren and rocky. This despite the public hearing report revealing that the participants were largely farmers, to whose queries the NTPC offered no satisfactory answer.

The NGT observed that this amounted to concealment of facts.

### Delay in preparing R&R plans

The Tribunal noted that there was no comprehensive Resettlement & Rehabilitation plan as required under the EIA Notification, though the project entailed acquisition of large private lands. The R&R plan presented by NTPC showed that the land under acquisition included 3500 acres of private land and approximately 20 acres of Government land. But the R&R Plan was prepared by the NTPC in July 2012, which is about 6 months after the grant of EC.

Even 2 years after the date of Land Acquisition Notice, NTPC did not prepare a list of the Project Affected Persons.

### Onus not on public to prove their objections

The Tribunal observed that the proponent did not satisfactorily respond to the objections raised by the local communities at the public hearing.

When the proponent argued that there was no scientific basis submitted by the villagers to substantiate their apprehensions, the bench stated that the onus is not on the objectors - the public- to prove their objections by leading scientific evidence. It is the duty of the Expert Appraisal Committee to examine the worth of the objections raised and the consequences, and the duty of NTPC to show that the apprehensions are not well-founded.

Observing that the Public Hearing Committee is expected to hear and record its opinion so as to bring before the EAC the essence of the public hearing, the Tribunal noted that the

EAC would otherwise be in the dark about ground realities at the project site.

"Apart from improper declaration in regard to the nature and category of the land acquired, there was non-declaration and non-disclosure of material factors like R&R scheme, source and quality of coal and location of AAQ monitoring stations. The EAC, while recommending the establishment of the project, did not seriously dwell upon these very material issues and even permitted that the R&R scheme could be declared within four months of the recommendation. Thus, there has been violation of the provisions of the EIA Notification."

\* Noting, however, that huge public money has already been invested in the project, the Tribunal passed an order remanding the EC to the MoEF, asking it to re-valuate the project. The EAC has been asked to re-scrutinise and impose conditions as required, especially in relation to the R&R, effects of improper disclosure about the categorization of land, AAQ monitoring stations and providing early warning systems near human settlements.

\*The EAC can recommend any compensation or imposition to be borne by NTPC for causing environmental degradation, for improper disclosure of facts in its application, non-compliance with ToR conditions and non-timely furnishing of R&R plan. All project affected persons, including those who have already received compensation, should be included while considering conditions to be imposed in relation to the R&R scheme.

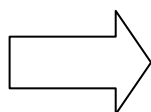
\*The EAC should visit the project site, listen to the project-affected and project-displaced persons and then record its finding. The EAC has been given six months to complete the process. Until that period or till when a fresh order is passed- whichever is earlier, the proponent should maintain status quo about the project.

**Read Judgment**

# PUBLIC CONSULTATION PROCESS FOR A POWER PLANT

## DAY 1

**1** On submission of 10 hard copies & 10 CDs of Draft EIA Report (including draft Environmental Monitoring Plan) with Executive Summary in English & regional language, to Member Secretary, State Pollution Control Board, along with letter requesting conduct of Public Hearing by Project Proponent

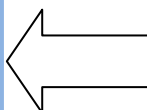


**2** Project Proponent should simultaneously submit one hard copy & 1 soft copy of Draft EIA Report with Executive Summary to the District Magistrate's [DM] office, Municipal Corporation [MC]/Zilla Parishad [ZP] Office, District Industries Office, Ministry of Environment & Forests [MoEF] & its regional office



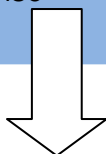
## DAY 8 - 44

**4** SPCB to publicise public hearing by 'beating of drums' and TV/radio advertisements in regions where newspapers are not easily available. The offices of the DM, MC/ZP and District Industries Office to also publicise hearing and invite written response

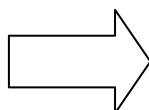


## BEFORE DAY 7

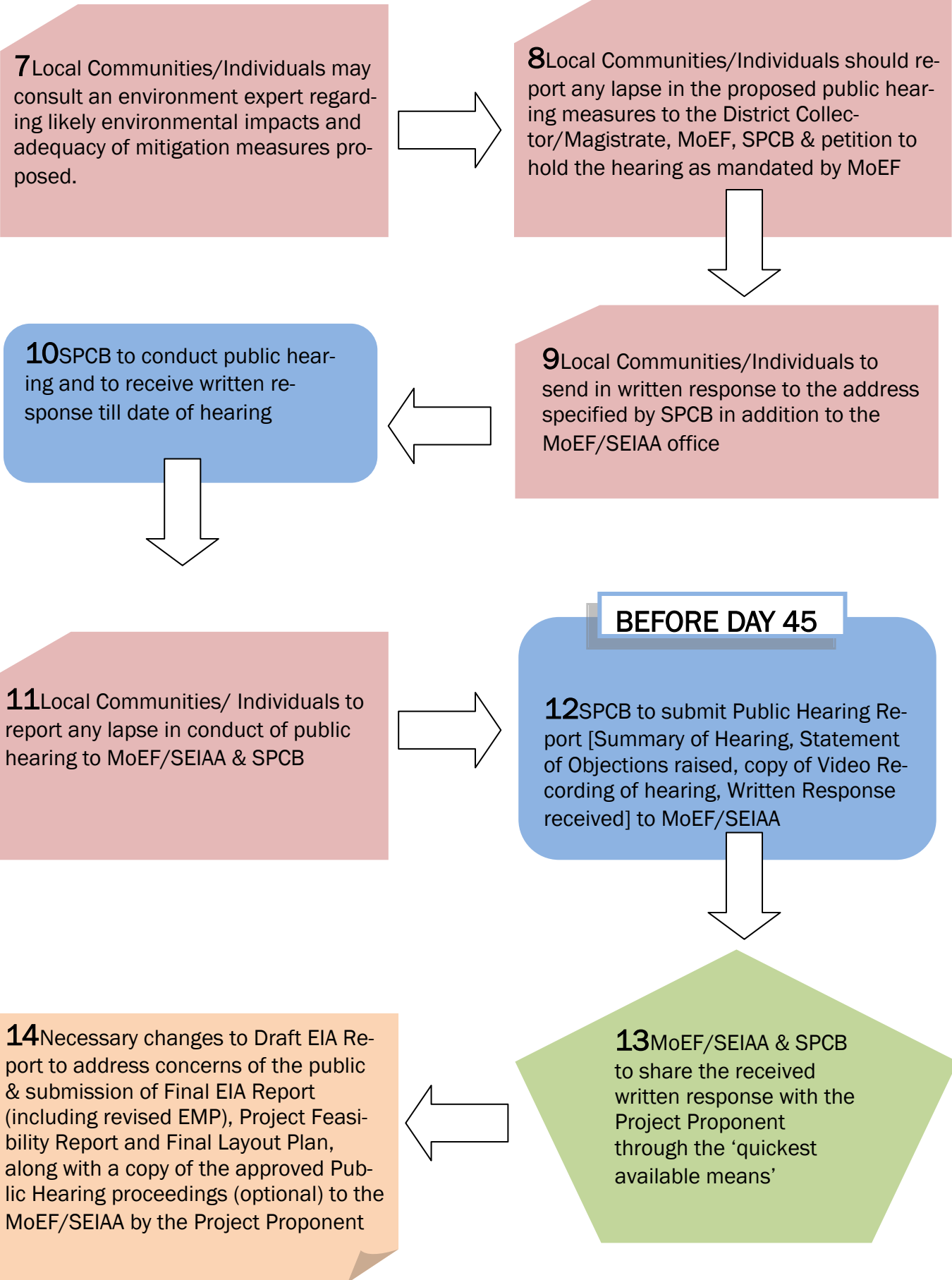
**3** SPCB to announce public hearing, availability of Draft EIA & call for written responses through advertisements, in one English & one vernacular daily, and also upload/display the information on its website. The SPCB & MoEF website to display the Project Proponent's Draft EIA's Executive Summary and Form 1 Application



**5** Local Communities/ Individuals can access Draft EIA (CD/hard copy) from the offices mentioned above or from MoEF's New Delhi office or other places mentioned in the SPCB advertisement. If ToR is not included in the Draft EIA Report, Local Communities can obtain it from the MoEF/SEIAA website or offices.



**6** Local Communities/Individuals should scrutinise Draft EIA for adherence to ToR, accuracy in description of local environment, preliminary baseline study undertaken, etc.



## Two more thermal power projects planned in Karnataka

The Government of Karnataka is planning to set up two new thermal power plants to address the increasing demand for power in the coming years. Disclosing this, Minister for Energy D.K. Shivakumar said the government was trying to identify land to set up the proposed power plants. "We have a list of land available in various regions from the Karnataka Industrial Areas Development Board. We are looking at feasibility in terms of availability of both water and land," he said.

He said that the Union Government had given a positive assurance to the State on providing coal linkage, if the latter submitted the proposal on the thermal power plants. He said in addition to allotting a coal block in Odisha for the proposed 1,320 MW thermal power project in Gulbarga, the Union government had advised the State to take up Phase II of the project. However, there was a shortage of about 300 acres for Phase II of the project. The State would acquire the required land, he said.

The Minister said that the Union government had directed Coal India to allot coal on preferential basis for the third generating unit of the Bellary Thermal Power Station with a capacity of 800 MW.

The Ministry of Power has also recommended to the Coal Ministry that coal linkage be provided for the second generating unit at the Yermarus thermal power plant. With this, both these plants would be set up within the deadline, he noted.

[Full News Report](#)

## No means to bring coal for plant in Thoothukudi

The 1,200-MW thermal power plant of Coastal Energen, which is coming up at the southern coastal town of Thoothukudi, is 95 per cent complete, but will have to wait to start generating electricity, as there is confusion about how to bring coal from the Thoothukudi port to the plant, which is 18 km away.

When the Rs 4,500-crore project was conceived, the idea was to have the Railways lay a line connecting the port to the plant. This did not happen perhaps because the promoters — the family of BS Abdur Rahman, who is also the Vice-Chairman of the Dubai-based ETA group — have not been able to secure the 'right of way'.

Other options such as trucking in coal, long-distance conveying and slurry pipeline have all been examined and dismissed as infeasible. Another plan under consideration is setting up a jetty in the sea at the nearest coast to the project, which is 1 km away. But this is also a long-drawn process, both technically and regulation-wise. Any industrial activity in the environmentally-fragile, protected, Gulf of Mannar is fraught with challenges.

[Full News Report](#)

**UPDATE:** The public hearing for the proposed 1320 MW plant in Ottapiddaram and Sillanatham in Thoothukudi, scheduled for March 27, was later postponed as the Election Model Code of Conduct is in force. NGOs including CAG and Empower India demanded the postponement.



# CAG

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### About CAG:

Established in 1985, Citizen consumer and civic Action Group (CAG) is an advocacy and campaigning group that works towards protecting citizens rights in consumer and environmental issues and promotes good governance processes including transparency, accountability and participatory decision-making.

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## PMO's move to weaken eco & forest norms

It has come to light now that in a series of orders and missives sent to the Union Environment and Forests Ministry over 2012-2013, the PMO instructed that regulations and norms had to be diluted or done away with.

To ensure dilutions, the PMO ordered that a committee be set up with a pre-meditated outcome of rolling back the specific regulations.

The PMO recommended that the requirement of environmental clearance for projects worth up to Rs. 500 crore be done away with entirely. Projects worth up to Rs. 1,000 crore should be evaluated only at State level and should not come to the Union government for clearance.

The PMO also asked that all buildings, real estate projects and Special Economic Zones be taken out of the purview of environmental clearance. It asked that expansion of capacity up to

25% for mining projects be done automatically without any public hearing.

On forest clearances, the PMO asked that projects requiring up to 40 hectare of forests, instead of the then existing limit of four hectare, be handled by regional offices of the Ministry. Instead of having one Forest Advisory Committee, several statutory panels should be set up across the country to become the final deciding authorities.

Easing of norms for the SEZs was done as desired by the PMO. Through an office memorandum the Environment Ministry ordered that public hearings for individual projects within the SEZs be done away with. A committee was set up to look at various issues the PMO had raised and it delivered the results as demanded, leading the Ministry to dilute the norms.

[Full News Report](#)