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Retaining Environmental Clearance

BACKGROUND

This is the case of an industrial group that was in the process of setting up a 6000 MW Thermal Power Plant.

Environmental Clearance was duly obtained from the MOEF and CC and also the required Coal Linkage.

The Environmental Clearance was challenged in the HC and the matter was transferred to the National Green Tribunal.

CHALLENGES

- To prepare a case of defence for an industry that is polluting in nature.
- Previous Courts/Tribunals had taken a critical view of Thermal Power Plants in similar circumstances.

STRATEGY

- Drafting an affidavit controverting all factual allegations made by the Appellant, based on analysis of data and examination of reports submitted by Pollution Control Board.
- Pointing out that law referred to by the Appellant to substantiate the case were not included in Schedule –I of NGT Act, 2010.
- A research based study to understand the scientific principles concerning the possible polluting agents generated by TPP.
- Controverting the reports submitted by Pollution Control Board, with proof that they were inappropriate and beyond established scientific limits.
- Convincing the NGT that TPP was not going to create adverse environmental issues and would stay within limits

IMPACT

- Permission procured from NGT for TPP to function.
- Condition laid for Pollution Control Board to monitor activities of TPP and submit quarterly reports regarding pollution created.
- TPP continues to function within permissible environmental parameters.