

ORDER passed in Original Application No. 18/2024

From : Consultant Judicial-NGT(P.B.) <judicial-ngt@gov.in> Thu, Feb 22, 2024 03:53 PM
Subject : ORDER passed in Original Application No. 18/2024 2 attachments
To : Sh. RAJA CHATTERJEE Registrar <registrarngt-kolkata@gov.in>, Judicial Section <ngtjudicial-kolkata@gov.in>
Reply To : Consultant Judicial-NGT(P.B.) <judicial-ngt@gov.in>

Respected Sir/Madam,

I am directed to forward a copy of the **Petition & Order dated 15/02/2024 passed in Original Application No. 18/2024 Ajay Kumar Murarka ...Applicant Versus State of Jharkhand & Ors. ...Respondents** . for your kind perusal & necessary action.

REGARDS
CONSULTANT (Judicial)
⌘ (N.G.T.)(P.B.) ⌘ New Delhi ⌘



OA NO 18 of 2024 in LP No 1702_removed.pdf
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Ajay Kumar Murarka.pdf
100 KB

Ajay Kumar Murarka

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M.E.School Road, Near Rajasthan Sewa Sadan Hospital, Jugsalai, Jamshedpur - 831006
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The Member Secretary
Jharkhand State Pollution Control Board
TA Division Building, Dhurwa,
Ranchi - 834004

15/07/23

1702/LP/2023
20/7/23

ECB

Kind Attn: Mr. YK Das

Subject: Violation of CTO and EC conditions by M/s. GM Iron & Steel Co. Ltd., Adityapur Industrial Area, Dist Saraikela Kharsawan in connivance with officials of JSPCB

Dear Sir,

With reference to the above captioned subject, I would like to draw your kind attention towards the CTO granted to the aforesaid company flouting all rules and regulations and ignoring the conditions imposed by the board as well as MOEF.

On going through the conditions of the CTO vide Ref No. JSPCB/HO/RNC/CTO-14997114/2023/516, dated 23/03/2023, the following discrepancies are found:

1. Under the heading of documents relied upon, in the Si No. 2 (9), it appears that reliance has been made on the Inspection report of Regional Officer, JSPCB, Jamshedpur dated 21/01/2023. Careful perusal of the said Inspection report also reveals that best efforts have been made to mislead and keep in dark, regarding the compliance of previous conditions. Under the heading, specific conditions at Si No. 25, which reads as "The content of Environmental Clearance vide F. No. J-11011/641/2009- IA II (I) dated 17.01.2011 for expansion of Sponge Iron Plant (100 TPD to 200 TPD) and installation of Steel Melting shop (330 TPD) and captive Power Plant (12 MW-4MW WHRB & MW AFBC) by M/s Bimaldeep Steel Private Limited." Against this column, it is mentioned by the Regional Officer in the column of compliance as "Agreed".

2. Sir, it apparently appears that the officers of JSPCB have deliberately chosen to suppress the factual scenario while making false and filovirus compliance report in order to favor the applicant / occupier. The specific condition A (v) of the said Environmental Clearance very specifically reads as under:
"Hot gases from DRI kiln shall be passed through Dust Settling Chamber (DSC) to remove coarse solids and After Burning Chamber (ABC) to burn CO completely and

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used in waste heat recovery boiler (WHRB). The gas then shall be cleaned in ESP before leaving out into the atmosphere through ID fan and stack."

3. A bare reading of the said condition very clearly transpires that the flue gas from the DRI kilns is to be passed through WHRB. It is very much evident that there is no WHRB or AFBC / CFBC boiler installed in the plant.
4. The para 6 of the Environmental Clearance reads as:
"Solid wastes generated in the form of Char/dolochar will be used as fuel in FBC boilers for power generation. Flue dust from sponge iron plant will be used for manufacturing of fly ash bricks. Fly ash will be used for cement making as well as brick manufacturing. Kiln accretions will be used as sub-base material for road construction or landfill. Return scrap will be used in SMS. Dust from air pollution control equipments will be recycled in the process"
5. Further, the specific condition (x) reads as under:
"All the coal fines, char from DRI plant shall be utilized in AFBC boiler of power plant and no char shall be used for briquette making or disposed off anywhere else. AFBC boiler shall be installed simultaneously along with the DRI plant to ensure full utilization of char from the beginning. Scrap shall be used in steel melting shop (SMS) and SMS slag and kiln accretions shall be properly utilized. All the other solid waste including broken refractory mass shall be properly disposed off in environment-friendly manner."
6. Further, the column D "Solid Waste Management" on Pg 8 of the inspection report also indicates that 49 MT / month of charcoal has been generated and sold out, which clearly violates the conditions of the Environmental Clearance.
7. The para, G (A) (a) and (b) noted by Sri JP Singh, Regional Officer is also very much shocking and disappointing that even after having very well learnt that the unit has not complied with the conditions of the Environmental Clearance previous CTOs and CTE, the RO has recommended for Grant of CTO.
8. Even the present CTO condition No. 28 speaks of the compliance of conditions of the EC granted to M/s. Bimaldeep Steel Pvt Ltd.
9. Furthermore, the land referred to in your CTO is also limited to 13 acres as evident from the Si No. 2 (3) & (4). Whereas, the practical situation on ground

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is that the ESP of both the kilns as well as the stack from where the flue gas is being passed in to the atmosphere is situated outside the said 13 acres. When the entire plant layout is plotted on the map of the area leased out to GM Iron & Steel Co. Ltd., it can be clearly seen that the Heat Exchanger, ESP and the duct lines as well as the stack are outside the said 13 acres of land.

10. In view of the above circumstances, it is very much clear that the said party, M/s. GM Iron & Steel Co. Ltd. and the occupier, has been and is still continuing to violate the conditions of the EC, CTE and CTO, thereby contravening the Environmental Protection Act.

I, being a responsible and awakened citizen, request you to please revoke the CTO immediately, issue closure order and take strong action against the violators as well as officers of JSPCB supporting these violations, within 10 days failing which I shall be constrained to take up the matter at appropriate legal forum.

Thanking you and looking forward to your prompt and positive response in the matter.

Yours faithfully,



Ajay Kf Murarka

CC To:

1. The Chairman, Jharkhand State Pollution Control Board, Ranchi
2. The Chairman, CPCB, New Delhi
3. Shri Saryu Roy, Honable MLA, Social Worker & Environmentalist.
- ✓ 4. The Chairperson, National Green Tribunal, New Delhi

Item No.3

(Court No. 2)

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.**

(Through Physical Hearing with Hybrid V.C. Option)

Original Application No. 18/2024

Ajay Kumar Murarka

...Applicant

Versus

State of Jharkhand & Ors.

...Respondents

Date of hearing: 15.02.2024

**CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER.
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER.**

Applicant: None for the Applicant.

Application is registered based on a letter petition received by Post.

ORDER

1. Mr. Ajay Kumar Murarka has sent by Post the present letter petition to this Tribunal, which has been treated and registered as O.A. No. 18/2024.
2. The relevant part of the letter petition enumerating grievances of the applicant is reproduced as follows:-

X X X X

"Subject: Violation of CTO and EC conditions by M/s. GM Iron & Steel Co. Ltd., Adityapur Industrial Area, Dist Saraikela Kharsawan in connivance with officials of JSPCB

X X X X

With reference to the above captioned subject, I would like to draw your kind attention towards the CTO granted to the aforesaid company flouting all rules and regulations and ignoring the conditions imposed by the board as well as MOEF.



-2-

On going through the conditions of the CTO vide Ref No. JSPCB/HO/RNC/ CTO-14997114/2023/ 516, dated 23/03/2023, the following discrepancies are found:

1. Under the heading of documents relied upon, in the Si No. 2 (9), it appears that reliance has been made on the Inspection report of Regional Officer, JSPCB, Jamshedpur dated 21/01/2023. Careful perusal of the said Inspection report also reveals that best efforts have been made to mislead and keep in dark, regarding the compliance of previous conditions. Under the heading, specific conditions at Si No. 25, which reads as "The content of Environmental Clearance vide F. No. J-11011/641/2009- IA II (I) dated 17.01.2011 for expansion of Sponge Iron Plant (100 TPD to 200 TPD) and installation of Steel /Melting shop (330 TPD) and captive Power Plant (12 MW- 4MW WHRB & MWAFBC) by M/s Bimaldeep Steel Private Limited." Against this column, it is mentioned by the Regional Officer in the column of compliance as "Agreed".

2. Sir, it apparently appears that the officers of JSPCB have deliberately chosen to suppress the factual scenario while making false and filovirus compliance report in order to favor the applicant / occupier. The specific condition A (v) of the said Environmental Clearance very specifically reads as under:

"Hot gases from DRI kiln shall be passed through Dust Settling Chamber (DSC) to remove coarse solids and After Burning Chamber (ABC) to burn CO completely and used in waste heat recovery boiler (WHRB). The gas then shall be cleaned in ESP before leaving out into the atmosphere through ID fan and stack."

3. A bare reading of the said condition very clearly transpires that the flue gas from the DRI kilns is to be passed through WHRB. It is very much evident that there is no WHRB or AFBC/ CFBC boiler installed in the plant.

4. The para 6 of the Environmental Clearance reads as:

"Solid wastes generated in the form of Char/dolochar will be used as fuel in FBC boilers for power generation. Flue dust from sponge iron plant will be used for manufacturing of fly ash bricks. Fly ash will be used for cement making as well as brick manufacturing. Kiln accretions will be used as sub-base material for road construction or landfill. Return scrap will be used in SMS. Dust from air pollution control equipments will be recycled in the process"

5. Further, the specific condition (x) reads as under:

"All the coal fines, char from DRI plant shall be utilized in AFBC boiler of power plant and no char shall be used for briquette making or disposed off anywhere else. AFBC boiler shall be installed simultaneously along with the DRI plant to ensure full utilization of char from the beginning. Scrap shall be used in steel melting shop

(SMS) and SMS slag and kiln accretions shall be properly utilized. All the other solid waste including broken refractory mass shall be properly disposed off in environment-friendly manner."

6. Further, the column D "Solid Waste Management" on Pg 8 of the inspection report also indicates that 49 MT / month of charcoal has been generated and sold out, which clearly violates the conditions of the Environmental Clearance.

7. The para, G (A) (a) and (b) noted by Sri JP Singh, Regional Officer is also very much shocking and disappointing that even after having very well learnt that the unit has not complied with the conditions of the Environmental Clearance previous CTOs and CTE, the RO has recommended for Grant of CTO.

8. Even the present CTO condition No. 28 speaks of the compliance of conditions of the EC granted to M/ s. Bimaldeep Steel Pvt Ltd.

9. Furthermore, the land referred to in your CTO is also limited to 13 acres as evident from the Si No. 2 (3) & (4). Whereas, the practical situation on ground is that the ESP of both the kilns as well as the stack from where the flue gas is being passed in to the atmosphere is situated outside the said 13 acres. When the entire plant layout is plotted on the map of the area leased out to GM Iron & Steel Co. Ltd., it can be clearly seen that the Heat Exchanger, ESP and the duct lines as well as the stack are outside the said 13 acres of land.

10. In view of the above circumstances, it is very much clear that the said party, M/ s. GM Iron & Steel Co. Ltd. and the occupier, has been and is still continuing to violate the conditions of the EC, CTE and CTO, thereby contravening the Environmental Protection Act.

I, being a responsible and awakened citizen, request you to please revoke the CTO immediately, issue closure order and take strong action against the violators as well as officers of JSPCB supporting these violations, within 10 days failing which I shall be constrained to take up the matter at appropriate legal forum.

X X X X"

3. *Prima facie* the averments made in the application raise substantial questions relating to environment arising out of the implementation of the enactments specified in Schedule-I to the National Green Tribunal Act, 2010.

4. In view of the averments in the application, we consider it appropriate to have response of (1) State of Jharkhand through Chief Secretary, Government of Jharkhand, (2) Jharkhand Pollution Control Board, through

its Member Secretary, (3) District Magistrate, Seraikela, Jharkhand and (4) M/s. GM Iron & Steel Co. Ltd., Adityapur Industrial Area, Dist Saraikela Kharsawan who stand impleaded as respondents No. 1 to 4. The Registry is directed to prepare and attach memo of parties to the application and issue notices to respondents No. 1 to 4 requiring them to file their reply/response within two months.

5. In view of the averments made in the application, we also consider it appropriate that a Joint Committee be constituted to verify the factual position and suggest appropriate remedial action. Accordingly, we constitute a Joint Committee comprising of representatives of Central Pollution Control Board, Jharkhand Pollution Control Board and District magistrate, Seraikela, Jharkhand and direct the same to meet within two weeks, undertake visits to the site, look into the grievances of the applicant, associate the applicant and representative of the concerned project proponent, verify the factual position and suggest appropriate remedial action. The Jharkhand Pollution Control Board will be the nodal agency for coordination and compliance.

6. Even though in the present case cognizance has been taken by this Bench on the basis of letter petition received by post with approval and assignment under order of Hon'ble Chairperson, but in view of the facts and circumstances of the case including the fact that the place of accrual of cause of action lies within jurisdiction of the Eastern Zone Bench of this Tribunal at Kolkata, we are of the considered view that it will be appropriate if the case is further heard by the Eastern Zone Bench of this Tribunal at Kolkata.

7. Accordingly, the Registry is directed to list the matter before the Eastern Zone Bench of this Tribunal at Kolkata on 23.04.2024 after obtaining orders from Hon'ble the Chairperson for transfer of the case.

8. Factual and Action taken Report by the Joint Committee and reply/response by the respondents be filed within two months before the Eastern Zone Bench of this Tribunal at Kolkata by email ngtjudicial-kolkata@gov.in preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF.

9. A copy of this order be sent to the Central Pollution Control Board, Jharkhand Pollution Control Board and District Magistrate, Seraikela, Jharkhand by email for requisite compliance.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

February 15th, 2024
AG