

**BEFORE THE NATIONAL GREEN TRIBUNAL**

**EASTERN ZONE BENCH, KOLKATA**

**IN THE MATTER OF:**

**Original Application No. 156/2023/EZ**

**DASAI MUNDA**

**...Applicant**

**-Versus-**

**STATE OF JHARKHAND & ORS.**

**...Respondents**

**INDEX**

Sl. No.	Particulars	Page No.
1.	Affidavit filed by Deputy Commissioner, Seraikela, Government of Jharkhand.	1 - 5
2.	Verification	6
3.	Annexure 1	7 - 9
4.	Annexure 2	10
5.	Annexure 3	11
6.	Annexure 4	12 - 13
7.	Annexure 5	14 - 16
8.	Annexure 6	17

**AISHWARYA RAJYASHREE**  
Advocate  
Bar Association Room No. 5,  
High Court, Calcutta  
Chamber: 8/1, K.S. Roy Road,  
Kolkata: 700001.

BEFORE THE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH, KOLKATA



IN THE MATTER OF:

Original Application No. 156/2023/EZ

DASAI MUNDA

...Applicant

-Versus-

STATE OF JHARKHAND & ORS.

...Respondents



COUNTER AFFIDAVIT FILED BY DEPUTY COMMISSIONER, SERAIKELA, GOVERNMENT OF JHARKHAND (i.e. RESPONDENT NO. 5 HEREIN).

1300/01.4.24

I, Ravi Shankar Shukla, son of Late R.S Shukla, aged about \_\_\_ years, by Religion - Hinduism, by Occupation - Service under the State Government of Jharkhand in the office of District Magistrate, Seraikela, Government of Jharkhand, having its office at Seraikela, Jharkhand, do hereby solemnly affirm and state as follows:

1. That I am the District Magistrate, Seraikela, Government of Jharkhand, and I am aware to the facts and records in the instant case and gone through the allegations and contentions of the applicant in the Original Application as such I am competent, to make and affirm the instant Counter Affidavit.

Identified by me and Executant has  
Signed/Put thumb mark in my Presence

*Deushi*  
01.4.2024

2. That I am a law-abiding Citizen of India and very much respect the Constitution and Judicial System of India.
3. That in pursuance and in compliance to the order dated 18.10.2023 and 19.01.2024 of this Hon'ble Tribunal in the instant Original Application this Affidavits being filed by Deputy Commissioner, Seraikela, Government of Jharkhand i.e. respondent no. 5 to the Original Application.
4. That, the instant Original Application was filed by the applicant before the Hon'ble Tribunal who is representing the Jharkhand Adivasi Jan Kalyan Morcha and has prayed for certain relief before this Hon'ble Tribunal which includes to cancel the Consent to Operate (CTO) of the Respondent No. 6 (i.e. Neelanchal Iron and Power Limited, Ratnapur, Seraikela) with immediate effect.
5. That I am deal with only those statements and/or the allegations made and contained in the said Original Application which are germane for the disposal of the Original Application. The statements and/or allegations not specifically dealt with or otherwise replied to shall be deemed to have been denied and disputed as if the same are set out herein and traversed in seriatim.
6. That the details of the steps taken in light of the direction issued vide dated 12.09.2022 by the Hon'ble National Green Tribunal, Principal Bench, New Delhi in Original Application No. 421/2021/PB are as follows:



- i. The unit (i.e. Respondent No. 6 herein) was issued Direction for closure vide Jharkhand State Pollution Control Board's letter Ref. B-1867 dated 10.09.2022.

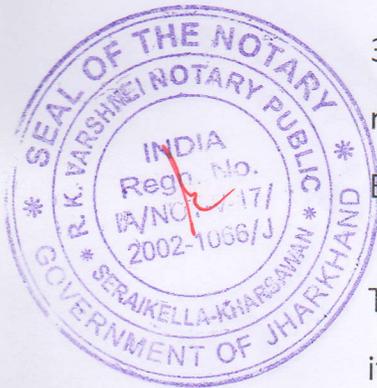
The copy of the direction for closure issued vide Board's Ref. B-1867 dated 10.09.2022 is annexed herewith and marked as **Annexure 1**.

- ii. In light of the direction of closure issued by the Jharkhand State Pollution Control Board the unit (i.e. Respondent No. 6 herein) vide its letter dated 20.09.2022 has submitted its representation in light of letter No. B-1011 dated 25.05.2022, letter No. B-1243 dated 30.06.2022 and letter No. B-1867 dated 10.09.2022 and has requested to reconsider the decision and revise the amount of Environmental Compensation.

The copy of the unit submitted its representation to the Board vide its letter dated 20.09.2022 is annexed herewith and marked as **Annexure 2**.

- iii. In light of above the inspection report was sought from the Regional Officer, JSPC Board, Jamshedpur vide Ref No. B-2250 dated 18.10.2022 after verification of the reply submitted by the unit (i.e. Respondent No. 6 herein).

The copy of the inspection report sought from the Regional Officer, JSPC Board, Jamshedpur vide Ref No. B-2250 dated 18.10.2022 is annexed herewith and marked as **Annexure 3**.



- iv. The Regional Officer, JSPC Board, Jamshedpur vide Ref. No. 706 dated 22.10.2022 has submitted the verification report in which no. of days of violation has been calculated as 56 days.

The copy of the verification report by the Regional Officer, JSPC Board, Jamshedpur vide Ref. No. 706 dated 22 10 2022 is annexed herewith and marked as **Annexure 4**.

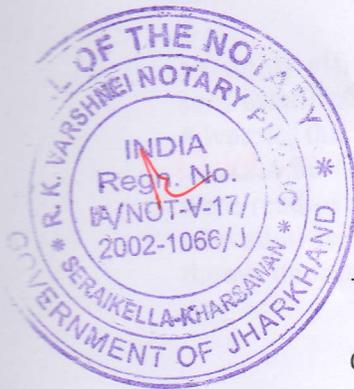
- v. In the light of the observations made during verification, the unit (i.e. Respondent No. 6 herein) was directed vide the office Ref. No. B-2349 dated 16.11.2022 to deposit revised Environmental Compensation of Rs 23,62,500.00/- (Twenty Three Lakhs Sixty Two Thousand Five hundred Only) calculated on Nos. of days of violation as 56 within 15 days of issuance of the letter.

The copy of the direction issued to the unit vide Ref. No. B- 2349 dated 16.11.2022 is annexed herewith and marked as **Annexure 5**.

- vi. In light of the direction issued by the Board the unit has deposited the Environmental Compensation of Rs 23.62,500.00/- (i.e. Twenty Three Lakhs Sixty Two Thousand Five hundred Only) vide letter dated 17.11.2022.

The copy of the unit letter dated 17.11.2022 is annexed herewith and marked as **Annexure 6**.

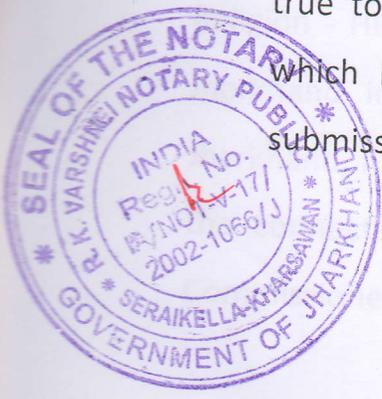
7. That, this Counter Affidavit is filed bonafide and in the interest of justice. It is therefore prayed that Your Lordship may kindly be pleased to



accept the instant counter affidavit and dispose of the said Original Application as all compliances are done.

VERIFICATION

8. I state that the statements contained in paragraph Nos. 1 to 2 are true to my knowledge, the statements contained in paragraph Nos. 3 to 6 are true to my information derived from the official records of the case, which I verily believe to be true and the rest is/are my respectful submissions before this Hon'ble Tribunal.



h

Solemnly affirmed by the deponent who has been identified by Mr. S. Jyoti Advocate, this the 1st day of Apr. 2024 12:40 A.M. / P.M. The Contents of this affidavit were read over and explained to the deponent who admitted same to be correct and put thumb impression / signature in my presence

Identified by me and Executant has Signed/Put thumb mark in my Presence

*[Signature]*

Advocate

1.4.2024

*[Signature]*  
NOTARY PUBLIC  
Seraikella-Kharsawan

Advocate

VERIFICATION

I, Ravi Shankar Shukla, son of Late R.S Shukla, aged about \_\_\_ years, by Religion - Hinduism, by Occupation - Service under the State Government of Jharkhand in the office of District Magistrate, Seraikela, Government of Jharkhand, having its office at Seraikela, Jharkhand, and that I am dealing with the connected records of the case in possession of the office of Deputy Commissioner, Seraikela, Government of Jharkhand.

Date:

Place:

h  
उपायुक्त  
सरायकेला-खरसावाँ

Signature

Identified by me:

Doughi  
Advocate 1.4.2024

AISHWARYA RAJYASHEEN  
Advocate  
Bar Association Room No. 10  
High Court, Kolkata  
Chamber: 8/1, H. S. Road, Gariahat  
Kolkata: 700021

ANNEXURE-1



**JHARKHAND STATE POLLUTION CONTROL BOARD**

T.A. DIVISION BUILDING (GROUND FLOOR), H.E.C., DHURWA, RANCHI-834004  
Phone: - 2400852, 2400851 Fax :- 0661-2400850, Website:-www.jspcb.org

Ref. Letter No. 1867

From

Y. K. Das  
Member Secretary

Ranchi, Dated:- 10 09 22

To

M/s Nilachal Iron & Power Ltd. (550 TPD)  
Mauza- Ratanpur, Kandra Chandil,  
Dist- Saraikela Kharsawan

**Sub: Direction for closure under section 27(2) of the Water (Prevention & Control of Pollution) Act, 1974 and under section 21(4) of the Air (Prevention & Control of Pollution) Act, 1981- regarding.**

Sir,

Whereas, you have obtained Consent-to-Establish (CTE), Ref No. 267 dated 17.12.2003 and Ref. No. 1839 Ranchi, Dated 01.04.2009 for Sponge Iron Plant - 2x100 TPD, Sponge iron Plant - 1x500 TPD, Captive Power Plant - 75 MW (WHRB & CFBC)- 75 MW, Coal Washery - 0.9 MTPA

Whereas, Environmental Clearance (EC), Ref No. J-11011/662/ 2008 IA II (I) dated 24.12.2009 for expansion of Sponge Iron Plant (350 TPD) into Integrated Steel Plant (0.7 MTPA) along with captive Power Plant (75 MW) at Ratanpur - Kandra village, Gamharia Block, Dist- Saraikela Kharsawan by M/s Nilachal iron & Power Ltd. with point wise compliance report;

Whereas, Consent to operate (CTO) vide Ref No. JSPCB /HO /RNC/CTO-6643985/ 2020/715 Dated : 2020-03-26 for the production capacity of Sponge Iron - 2 X 100 TPD and 1 X 350 TPD valid up to 30.06.2021 with compliance report; [Inv. 11250.00 Lac]

Whereas, clarification was raised on 27.07.2021 for (1) that, you have not/partially/incomplete complied to specific condition No. 08, 09, 10, 18, 19; (2) that, you have not installed AFBC Boiler (3) Brief about disposal of coal char (4) not submitted latest monitoring report from valid laboratory (5) that , you have not submitted authorization under HoWM, 2016 (6) that, you have not installed display board as per direction of NGT (7) Land document such as sale deed/registered land lease deed/rent deed (8) It is learnt that the agency has recommended to the Environment Ministry that the emission of SOx and NOx from the boilers of these industries should not exceed 600 and 300 micrograms per cubic metre respectively. What measures has been adopted for its control? (9) Why the online monitoring system data is not being transmitted to server of the Board?

Whereas, you submitted relevant information/ documents in support on 12.08.2021

Whereas, unit's Stack Emission data for last one year was examined and found that there was violation for 189 nos. days in Stack - 1 and for 148 days in 2nd Stack, which reveals evidence of tampering or data manipulation by tampering the Online Continuous Emission Monitoring system.

Whereas, the competent Authority has ordered to calculate the Environmental Compliance against your unit as per the Report of the CPCB In-house Committee on Methodology for assessing Environmental

*[Handwritten signature]*

Compensation and Action Plan to Utilize the Fund. The calculation of Environmental Compensation is as follows:

**CALCULATION OF ENVIRONMENTAL COMPENSATION OF  
M/S NILACHAL IRON & POWER LIMITED, MOUZA + PS - RATANPUR, DIST - SARAİKELA  
KHARSAWAN.**

Nature of violation – Avoidance of data submission or data manipulation by tampering the Online Continuous Emission / Effluent Monitoring systems.

Basis to levy the Environmental Compensation – Pollution Index  
The environmental compensation is based on the following formula:

$$EC = PI \times N \times R \times S \times LF$$

Where,

- EC- Environmental compensation
- PI- Pollution Index of Industrial Sector
- N – Number of days of violation took place
- R – A factor in rupees for EC
- S- Factor of scale of operation
- LF – Location Factor

Now in this case,

PI is to be taken as 90 as the industry belongs to Red category (Iron & Steel (involving processing from ore/ integrated steel plants) and or Sponge Iron units) (as per CPCB's guidelines).

N is to be taken as 189 days.

R is to be taken as 250 (as per CPCB's guidelines).

S is to be taken 1.5 as the unit belongs to Large Scale as per Notification No. - S.O. 1702(E) – dated 01/06/2020 of Ministry of Micro, Small and Medium Enterprises (S could be 0.5 for micro or small, 1.0 for medium and 1.5 for large units as per CPCB Guidelines).

LF is to be taken as 1.25 as the population of Saraikela Kharsawan is > 1 million. (District Census Handbook, Saraikela Kharsawan of 2011).

Therefore,

$$\begin{aligned} EC \text{ (Per day)} &= PI \times R \times S \times LF \\ &= 90 \times 250 \times 1.5 \times 1.25 \\ &= ₹ 42,187.50/- \end{aligned}$$

Henceforth, the Environmental Compensation for one day comes out to be ₹ 42,187.50/- So the total Environmental Compensation for 189 days comes out to be ₹ 79,73,437.50/- ~ ₹ 79,73,438/- (i.e. **Seventy Nine Lakhs Seventy Three Thousand Four Hundred and Thirty Eight Rupees Only**).

Whereas, you have been vide this office letter Ref. B-1011 dated 25.5.2022 and Ref. B-1243 dated 30.06.2022 were directed to deposit the Environmental Compensation of ₹ 79,73,438/- (i.e. **Seventy Nine Lakhs Seventy Three Thousand Four Hundred and Thirty Eight Rupees Only**) within 07 days of issuance of this letter, but no Environmental Compensation has been received to this office, till date. This confirm that you are not conversant to environmental law and not serious to the compliance of the Board's direction.

Now, therefore, on the basis of above mentioned facts the competent authority by exercising the powers vested under section 27(2) of Water (Prevention & Control of Pollution) Act, 1974 and under section 21(4) of Air (Prevention & Control of Pollution) Act, 1981 and using the power conferred under section 33 A of the water (Prevention & Control of Pollution) Act, 1974 and under section 31 A of Air (prevention & Control of Pollution) Act, 1981 undersign directs you to close down the unit, with immediate effect.

203

This issues with the approval of competent authority.

Yours faithfully,

Sd/-  
(Y. K. Das)  
Member Secretary

Memo No. B-1867

Ranchi, dated 10/9/2022

Copy to: Secretary, Jharkhand State Electricity Board, Ranchi/ General Manager, Jharkhand Vidyut Nigam Limited, Saraikela Kharsawan/ Chief Inspector of Factories, Ranchi for information and necessary action.

Sd/-  
(Y. K. Das)  
Member Secretary

Memo No. B-1867

Ranchi, dated 10/9/2022

Copy to: Deputy Commissioner, Saraikela Kharsawan / DFO, Saraikela Kharsawan / GM, DIC, Saraikela Kharsawan. You are requested to ensure the compliance of the Board.

Sd/-  
(Y. K. Das)  
Member Secretary

Memo No. B-1867

Ranchi, dated 10/9/2022

Copy to: Regional Officer, Regional Office, JSPC Board, Jamshedpur for information & necessary action. You are directed to deliver the letter to the unit from your own level, entered in pass book and ensure the compliance and report to this office immediately.

ANNEXURE-2



**JHARKHAND STATE POLLUTION CONTROL BOARD**

Regional Office, JSPC Board  
Sector - 10, Patna, Bihar  
Phone: 9855222222  
Fax: 9855222222  
E-mail: jspc@jpsc.org

Date : 20-09-2022

To,  
Shri Y. K. Das  
Member Secretary,  
Jharkhand State Pollution Control Board,  
Ranchi.

Sub: Direction for closure under section 27(2) of the water (Prevention & Control of Pollution) Act, 1974 and under section 21(4) of the Air (Prevention & control of Pollution) Act, 1981- regarding.

Respected Sir,

This has reference to your letter No. B-1867 dated 10-09-2022 directing us to close down the unit.

In this regard we humbly submit that in response to your 1<sup>st</sup> & 2<sup>nd</sup> Show Cause notices we clarified that our plant was shut down for 133 No of days as against 189 days as indicated vide your show cause letter No. B-1011 and letter No. -1243.

We therefore humbly request you to reconsider your decision directing us to close down the unit and accept the compensation for 56 days.

- i.e 189 days – No of days shutdown indicated in show causes.
- 133 days – No of days shutdown as clarified by us in our submissions dated 28-05-2022 & 25-07-2022.

56 days

Regards,  
Your Faithfully

*[Handwritten Signature]*  
Authorized signatory

C.C to : Regional Officer, Regional Office, JSPC Board, ~~Jamshedpur~~

ANNEXURE - B



**JHARKHAND STATE POLLUTION CONTROL BOARD**

T.A. DIVISION BUILDING (GROUND FLOOR), H.E.C., DHURWA, RANCHI-834004  
Phone :- 0651-2400852 / 851 Fax :- 0651-2400850 / 138 Website: www.jspcb.org

279

Memo No./JSPCB/ 2950

Ranchi, Dated ... 8/10/2022

From: -  
Y. K. Das  
Member Secretary

To,  
Regional Officer,  
JSPC Board,  
Regional Office-cum- Laboratory, Jamshedpur

Sub: - Verification report in the light of letter submitted by unit M/s Nilachal Iron & Power Ltd. (550 TPD) Mauza- Ratanpur, Kandra Chandil, Dist- Saraikela Kharsawan against direction of closure issued vide B-1867 dated 10.09.2022 - Regarding

With reference to above, direction for closure under section 27(2) of the Water (Prevention & Control of Pollution) Act, 1974 and under section 21(4) of the Air (Prevention & Control of Pollution) Act, 1981 has been issued to unit M/s Nilachal Iron & Power Ltd. (550 TPD) Mauza- Ratanpur, Kandra Chandil, Dist- Saraikela Kharsawan against direction of closure issued vide B-1867 dated 10.09.2022 with the direction to close down the unit, with immediate effect. Copy enclosed.

Unit has submitted reply dated 20.09.2022 in the light of the above said direction declaring that their unit was closed for 133 no. of days as against 189 days. Unit has requested to re-consider decision and accept the compensation for 56 days.

You are, therefore, directed to send verification report with clear comments at the earliest.

Encl. A/A

(Y. K. Das)  
Member Secretary

alc

ANNEXURE - 4  
2022

**JHARKHAND STATE POLLUTION CONTROL BOARD**  
REGIONAL OFFICE-CUM-LABORATORY, MB/15 NEW HOUSING COLONY  
ADITYAPUR, JAMSHEDPUR.

E. mail.- jspcb.jsr@gmail.com Website- jspcb.nic.in Phone- 0657-2383241

Ref. No: - 706...

Dated: 22-10-2022

From,

J.P. Singh  
Regional Officer.

To,

The Member Secretary,  
Jharkhand State Pollution Control Board,  
Ranchi.

Sub: - Verification report in the light of submission made by M/s Nilachal Iron & Power Ltd, Ratanpur, Kandra Chandil Road, Saraikela Kharsawan against the E.C.

Ref. :- H.Q. Letter No.- B-2250 dt- 18.10.2022

Sir,

With reference to subject noted above, the details of plant shut down, data transferred to JSPCB server is herewith attached. According to the details as above. No. of violation days also calculated.

Hence, necessary action may be taken at H.Q. level for E.C.

Encl :- As above.

Yours faithfully,

J.P. Singh  
22.10.2022  
(J.P. Singh)  
Regional officer.



**JHARKHAND STATE POLLUTION CONTROL BOARD**  
 REGIONAL OFFICE-CUM-LABORATORY, MB/15 NEW HOUSING COLONY  
 ADITYAPUR, JAMSHEDPUR.

E. mail.- jspcb.jsr@gmail.com Website- jspcb.nic.in Phone- 0657-2383241

1. Plant Shut Down & Light up details of M/s Nilachal Iron & Power Ltd, Ratanpur, Kandra Chandil Road, Saraikela Kharsawan

Sl.	Period	Shut Down & Restart	No. of days of Plant Shut down/ Data not transferred.
1.	02.04.2021 to 14.05.2021	Informed to Supdt. GST. Light up information sent to GST.	44 days
2.	29.06.2021 to 31.08.2021	Plant shut down informed to Board. Informed about light up to Board.	62 days
3.	03.12.2021	Informed to GST about shut down from 23.11.2021 to 29.11.2021	8 days
4.	09.02.2022	Informed to GST dept & JSPCB for Shut down for 08.02.2022 and light up 18.02.2022	11 days
5.	24.03.2022	Informed to JSPCB about burning of analyzer from 24.03.2022 to 30.03.2022	8 days

2. Data transferred details

Sl.	Menth	No. of days
1.	April to May, 2022	17 days
2.	June to Aug, 2022	30 days
3.	Sept to Oct, 2022	61 days
4.	Nov, 2022	22 days
5.	Dec to Jan, 2022	62 days
6.	Feb, 2022	17 days
7.	March, 2022	23 days
	Total days	232
	Plant shut down & data not transferred	133
	Total Days	365

3. 52 days Shutdown information provided to GST Dept.

4. No. of days data not transferred - 56 days

Hence, E.C. for 56 days may be deposited.

Copy of Data attached.

  
 22/10/2022  
 (S.A. Khan)  
 S.T.

  
 22.10.2022  
 J.P. Singh  
 Regional Officer.

ANNEXURE - 5  
305



**JHARKHAND STATE POLLUTION CONTROL BOARD**

T.A. DIVISION BUILDING (GROUND FLOOR), H.E.C., DHURWA, RANCHI-834004  
Phone: - 2400852, 2400851 Fax: - 0661-2400850. Website: -www.jspcb.org

Ref. Letter No. B-2349

Ranchi, Dated: 16/11/2022

From  
Y. K. Das  
Member Secretary

To  
M/s Nilachal Iron & Power Ltd. (550 TPD)  
Mauza- Ratanpur, Kandra Chandil,  
Dist- Saraikela Kharsawan

**Sub: Direction under section 33 A of the Water (Prevention and Control of Pollution) Act, 1974 and under section 31 A of the Air (Prevention and Control of Pollution) Act, 1981 - regarding.**

Whereas, you have obtained Consent-to-Establish (CTE), Ref No. 267 dated 17.12.2003 and Ref. No. 1839 Ranchi, Dated 01.04.2009 for Sponge Iron Plant - 2x100 TPD, Sponge iron Plant - 1x500 TPD, Captive Power Plant - 75 MW (WHRB & CFBC)- 75 MW, Coal Washery - 0.9 MTPA

Whereas, Environmental Clearance (EC), Ref No. J-11011/662/ 2008 IA II (C) dated 24.12.2009 for expansion of Sponge Iron Plant (350 TPD) into Integrated Steel Plant (0.7 MTPA) along with captive Power Plant (75 MW) at Ratanpur - Kandra village, Gambaria Block, Dist- Saraikela Kharsawan by M/s Nilachal iron & Power Ltd. with point wise compliance report;

Whereas, Consent to operate (CTO) vide Ref No. JSPCB /HO /RNC/CTO-6643985/ 2020/715 Dated : 2020-03-26 for the production capacity of Sponge Iron - 2 X 100 TPD and 1 X 350 TPD valid up to 30.06.2021 with compliance report; [Inv. 11250.00 Lac]

Whereas, clarification was raised on 27.07.2021 for (1) that, you have not/partially/incomplete complied to specific condition No. 08, 09, 10, 18, 19; (2) that, you have not installed AFBC Boiler (3) Brief about disposal of coal char (4) not submitted latest monitoring report from valid laboratory (5) that , you have not submitted authorization under HoWM, 2016 (6) that, you have not installed display board as per direction of NGT (7) Land document such as sale deed/registered land lease deed/rent deed (8) It is learnt that the agency has recommended to the Environment Ministry that the emission of SOx and NOx from the boilers of these industries should not exceed 600 and 300 micrograms per cubic metre respectively. What measures has been adopted for its control? (9) Why the online monitoring system data is not being transmitted to server of the Board?

Whereas, you submitted relevant information/ documents in support on 12.08.2021

Whereas, unit Stack Emission data for last one year was examined and found that there was violation for 189 nos. days in Stack - 1 and for 148 days in 2nd Stack, which reveals avoidance of data submission or data manipulation by tampering the Online Continuous Emission / Effluent Monitoring system.

Whereas, the competent Authority has ordered to calculate the Environmental Compensation against your unit as per the Report of the CPCB In-house Committee on Methodology for Assessing Environmental Compensation and Action Plan to Utilize the Fund. The calculation of Environmental Compensation is as follows:

2254 - Env Comp (Nilachal) - SC (REVISED)†

*[Handwritten signature]*

*[Handwritten mark]*

304

**CALCULATION OF ENVIRONMENTAL COMPENSATION OF  
M/S NILACHAL IRON & POWER LIMITED, MOUZA + PS - RATANPUR, DIST - SARAİKELA  
KHARSAWAN.**

**Nature of violation** - Avoidance of data submission or data manipulation by tampering the Online Continuous Emission / Effluent Monitoring systems.

**Basis to levy the Environmental Compensation** - Pollution Index

The environmental compensation is based on the following formula:

$$EC = PI \times N \times R \times S \times LF$$

Where,

- EC- Environmental compensation
- PI- Pollution Index of Industrial Sector
- N - Number of days of violation took place
- R - A factor in rupees for EC
- S- Factor of scale of operation
- LF - Location Factor

Now in this case,

PI is to be taken as 90 as the industry belongs to Red category (Iron & Steel (involving processing from ore/ integrated steel plants) and or Sponge Iron units) (as per CPCB's guidelines).

N is to be taken as 189 days.

R is to be taken as 250 (as per CPCB's guidelines).

S is to be taken 1.5 as the unit belongs to Large Scale as per Notification No. - S.O. 1702(E) - dated 01/06/2020 of Ministry of Micro, Small and Medium Enterprises (S could be 0.5 for micro or small, 1.0 for medium and 1.5 for large units as per CPCB Guidelines).

LF is to be taken as 1.25 as the population of Saraikela Kharsawan is > 1 million. (District Census Handbook, Saraikela Kharsawan of 2011).

Therefore,

$$\begin{aligned} EC \text{ (Per day)} &= PI \times R \times S \times LF \\ &= 90 \times 250 \times 1.5 \times 1.25 \\ &= ₹ 42,187.50/- \end{aligned}$$

Henceforth, the Environmental Compensation for one day comes out to be ₹ 42,187.50/- So the total Environmental Compensation for 189 days comes out to be ₹ 79,73,437.50/- ~ ₹ 79,73,438.00/- i.e. **Seventy Nine Lakhs Seventy Three Thousand Four Hundred and Thirty Eight Rupees Only.**

Whereas, a show cause notice was issued vide this office letter No. B-1011 dated 25.05.2022 whereby no environmental compensation shall be imposed against your unit on the grounds mentioned above.

Whereas, 2nd show cause notice was issued vide this office letter No. B-1243 dated 30.06.2022 to deposit the Environmental compensation of ₹ 79,73,437.50/- ~ ₹ 79,73,438.00/- i.e. **Seventy Nine Lakhs Seventy Three Thousand Four Hundred and Thirty Eight Rupees Only.**

Whereas, the unit vide its letter dated 20.09.2022 has submitted its representation in reply of letter No. B-1011 dated 25.05.2022 and letter No. B-1243 dated 30.06.2022 and has requested to reconsider the decision and revise the amount of Environmental Compensation.

Whereas, the Regional officer, JSPC Board, Regional office-cum-laboratory, Jamshedpur was directed vide Ref. No. B-2250 dated 18.10.2022 to send verification report with clear comment in light of the request of the unit.

Whereas, the Regional officer, JSPC Board, Regional office-cum-laboratory, Jamshedpur vide Ref. No. 706 dated 22.10.2022 has submitted his report and has recommended that E.C for 56 days may be deposited.

Whereas, the revised Environmental Compensation against your unit was calculated in light of the above mentioned recommendation of the Regional officer, JSPC Board, Regional office-cum-laboratory, Jamshedpur as per the Report of the CPCB In-house Committee on Methodology for Assessing Environmental Compensation and Action Plan to Utilize the Fund. The revised amount of environmental compensation for 56 days amounts to ₹ 23,62,500.00/- (i.e. Twenty Three Lakhs Sixty Two Thousand Five hundred Only).

Now, therefore, in view of the above and by exercising the powers conferred under section 33 (A) of the Water (Prevention and Control of Pollution) Act, 1974 and under section 31 (A) of the Air (Prevention and Control of Pollution) Act, 1981; it is, hereby, directed to deposit the Environmental Compensation of ₹ 23,62,500.00/- (i.e. Twenty Three Lakhs Sixty Two Thousand Five hundred Only) within 15 days of issuance of this letter, in case of failure to do so an interest of 12 % per annum will be charged and legal action may be initiated.

This issues with the approval of the competent authority.

Yours Faithfully,

Sd/-  
(Y. K. Das)  
Member Secretary

Ref. No. B-2349

Ranchi, Dated 16/11/2022

Copy to: The Regional Office, JSPC Board, Regional office-cum-laboratory, Jamshedpur for information and necessary action.

(Y. K. Das)  
Member Secretary  
Das

SLNO-38 ANNEXURE-6  
Rs-23,62,500/-  
23/11/22



**JHARKHAND IRON & POWER LIMITED**

Date: 17/11/2022

To,  
Shri Y. K. Das  
Member Secretary,  
Jharkhand State Pollution Control Board,  
Ranchi.

Sub : Direction under section 33 A of the Water (Prevention & Control of Pollution) Act, 1974 and under section 31 A of the Air (Prevention & control of Pollution) Act, 1981- regarding.

Sir,

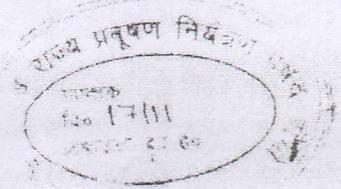
This has reference to your letter No. B-2349 dated 16/11/2022. In this regard as directed by your good self we are depositing a Demand Draft No. 507205 dated 16/11/2022 in favour of Member Secretary, Jharkhand State Pollution Control Board for Rupees 23,62,500/- ( Rupees Twenty Three Lakh Sixty Two Thousand Five Hundred.) is being attached, it is towards the revised Environmental Compensation under reference

18/11

Gyan Prakash  
17/11/22

*[Signature]*  
17/11/2022  
Authorized Signatory

Encl. Demand Draft in original as above.



6077  
25/11/2022

JHARKHAND IRON & POWER LIMITED