

S. No. 9

BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA

O.A. No. 165 / 2023

IN THE MATTER OF
SUDHANSU SEKHAR PATRA & ORS

...APPLICANT(S)

VS.

STATE OF ODISHA

...RESPONDENT(S)

INDEX

Sl.No.	Particulars	Page(s)
1.	Counter Affidavit on behalf of the Central Pollution Control Board (CPCB), i.e. Respondent No.03 for the compliance of order dated 12.03.2024.	1-4
2.	Annexure "R-1"	



Mrinal Kanti Biswas

Mrinal Kanti Biswas
Regional Director & Scientist E
CPCB, Kolkata
Filed Through
ASHOK PRASAD,
Ashok Prasad
ADVOCATE



30 APR 2024

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**COUNTER AFFIDAVIT ON BEHALF OF CENTRAL POLLUTION
CONTROL BOARD i.e. RESPONDENT NO. 03**

I, Mrinal Kanti Biswas, S/o Shri Saroj Kumar Biswas, aged about 42 years, having office at the Regional Directorate, Central Pollution Control Board, Southend Conclave' Block 502, 5th & 6th Floor, 1582, Rajdanga, Main Road, Kolkata-700107 do hereby solemnly affirm and sincerely state as follows: -

That, I am presently working as Regional Director, Regional Directorate (East), Central Pollution Control Board (hereinafter referred to as 'CPCB'), Kolkata and have been authorized to file the present affidavit. I am fully conversant with the facts of the case and hence competent and authorized to depose and swear the present Counter affidavit as under:

Brief Submissions:



The Original Application No. 165/2023/EZ was taken up in view of the letter petition dated 01.09.2023 filed by the applicant against alleged air and water pollution caused by certain industrial establishments in Sundargarh District of Odisha.

That the Clause 2 of the Environmental Impact Assessment Notification, 2006 (hereinafter referred to as EIA Notification, 2006) provides for the "Requirements of prior Environmental Clearance (hereinafter referred to as EC)" and as per the above mentioned clause, for the projects or activities which are falling under the category "A" of the Schedule of the EIA Notification, 2006, the project proponent shall obtain the EC from the Ministry of Environment, Forest and Climate Change (hereinafter referred to as 'MoEF&CC') and for the projects or activities which are falling under the 'B' category of the Schedule of the EIA Notification, 2006, the project

30 APR 2024

proponent shall obtain EC from the State Environment Impact Assessment Authority (hereinafter referred to as 'SEIAA') before carrying out the construction works.

3. That it is further submitted that as per provisions of the Water (Prevention and Control of Pollution) Act, 1974 (hereinafter referred to as 'Water Act, 1974') and the Air (Prevention and Control of Pollution) Act, 1981 (hereinafter referred to as 'Air Act, 1981'), all new projects / industrial units are required to obtain "Consent to Establish" (hereinafter referred to as 'CTE') from the concerned State Pollution Control Board and all the running industrial units and the industrial units starting operation after establishing as per CTE issued by the State Pollution Control Board have to apply for "Consent to Operate" (hereinafter referred to as 'CTO'); and depending upon the pollution and hazard potential of industrial activities, the industries are categorized as red, orange, green and white categories.
4. It is submitted that nothing stated in the petition may be deemed to have been admitted by this Respondent unless and until the same is expressly admitted in the present Counter Affidavit.

Reply to the Original Application:

5. That with regard to the averments made in the aforementioned letter petition, it is respectfully submitted that the answering Respondent No. 108, Central Pollution Control Board (hereinafter referred to as 'CPCB') has not carried out inspections of these listed industries. As per the Office Order issued by OSPCB (No. 8333/Ind-I-Con-1505 Dt 11/07/2018), Sponge Iron (DRI) plants are categorized as Red Category of Industry (Sl No. 53 of the list under Red category).

The Consent to Operate (CTO) is granted to the Sponge Iron plant under Section 25 of the Water (Prevention & Control of Pollution) Act, 1974 and under Section 21 of Air (Prevention & Control of Pollution) Act, 1981. As per Environment (Protection) Fourth Amendment Rules, 2008 notified by MoEF&CC on 30th May 2008 emission standards for rotary kiln of sponge iron plant are mentioned as:

S No.	Parameter	Standard
1	Particulate matter	100 mg/Nm ³ (Coal based)
		50 mg/Nm ³ (Gas based)
2.	Sulphar Dioxide (SO ₂)	Upto 12.68 Kg/hr (Stack height upto 30 mtr).

30 APR 2024



As per above mentioned rule effluent discharge standards for sponge iron plant are as follows:

Parameters	Standard
pH	5.5-9.0
Total Suspended Solids	100 mg/l
Oil & Grease	10 mg/l
COD	250 mg/l

8. Under para 17 of Air (Prevention and Control of Pollution) Act, 1981, one of the functions of State Boards is to inspect industrial plant or manufacturing process and to give, by order, directions to such persons as it may consider necessary to steps for the prevention, control or abatement of air pollution in industrial plants/processes and as per Water (Prevention and Control of Pollution) Act, 1974 under para 17 it is mentioned that SPCB can inspect sewage and trade effluent facilities.
9. In view of the above facts indicated in earlier paras, it is respectfully prayed that this answering Respondent No. 03, Central Pollution Control Board, shall abide by any order or direction, passed by this Hon'ble Court.



[Signature]
DEPONENT

VERIFICATION

I, ~~Neel~~ Kanti Biswas, the above named deponent does hereby verify that, the contents of the above Counter Affidavit are true and correct to my knowledge based on official records, no part of it is false and nothing material has been concealed therefrom.

Signed and verified on this 30th Day of April, 2024 at Kolkata.

Identified by me
Ashok Paul
Advocate

[Signature]
DEPONENT

Solemnly Affirmed & Declared Before me on Identification

K. P. Mazumder
K. P. MAZUMDER, NOTARY
City Civil Court, Calcutta
Reg. No. 7911/2010 Govt. of India

30 APR 2024