

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTERN ZONAL BENCH, KOLKATA
IN

OA No. 43/2024/EZ

IN THE MATTER OF
AKASH KALO

...APPLICANTS

VERSUS

M/S JSW BHUSHAN POWER AND STEEL LIMITED &
ORS.

...RESPONDENTS

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1.	Reply on behalf of Respondent No. 7		



Mrinal Kanti Biswas

Scientist 'E' & Regional Director,
CPCB, Kolkata

Filed through

Counsel

Dated: 30 July 2024

Place: Kolkata

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...RESPONDENTS

REPLY ON BEHALF OF CENTRAL POLLUTION CONTROL BOARD i.e.
RESPONDENT NO. 07

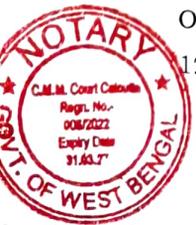
1. That, Hon'ble NGT vide order 12.03.2024 has sought the reply of CPCB (hereinafter called as 'CPCB') in the instant matter. Thereby, this reply.
2. That at the outset, the answering respondents deny all claims, contentions, allegations and averments against answering respondent CPCB in the above O.A. contrary to anything stated or submitted in this reply. Nothing in the O.A. may be deemed to have been accepted or admitted by the answering Respondent for want of a specific denial or on the ground of non-traverse, save and except any averment which has been expressly admitted hereinafter.
3. That, CPCB is a statutory Board constituted under Section 3 of The Water (Prevention and control) Act, 1974. It performs the functions under The Water (Prevention and control) Act, 1974, The Air (Prevention and control) Act, 1981 and The Environment (Protection) Act, 1986.

PRELIMINARY SUBMISSIONS: -

4. The matter is related to allegation about illegal deposition of raw iron dust caused over the forest land due to construction of a pond-cum- stockyard and operation of the same in dangerous level by M/s JSW Bhushan Power and Steel Limited near village Bisadihi, District- Sambalpur, Odisha.

PARA-WISE REPLY: -

5. That the averments made under Para No.1, provide a brief overview of the application, which is inter alia against the deposition of raw iron dust over forest land through the construction of a pond-cum-stockyard for raw iron and its operation at a highly risky level by M/s JSW Bhushan Power and Steel Limited near the village of Bisadihi in the District of Sambalpur, Odisha. In this context it is humbly submitted that by order dated 12.03.2024 in this matter Hon'ble NGT has constituted a joint committee



comprising Odisha SPCB, CPCB and DM Sambalpur to visit the site and submit report regarding the allegation made by the applicant.

6. That in the averments made under Para No. 2 to 3, the applicant provide the details of the applicant, and a brief introduction of Respondent No. 1 i.e. M/s JSW Bhushan Power and Steel Limited and need no reply from the Answering Respondent No.7.
7. That the averments made under Para No. 4 to 5, pertain to the details of the stock yard cum iron pond which is constructed at a distance of about 200 meter from applicant village, raw iron is kept in liquid stage in the iron pond of 30 feet high and 50 feet below ground level and there is no polythene installed before deposition of raw iron dust which causes contamination of ground water with crude iron. In this context it is humbly submitted that by order dated 12.03.2024 in this matter Hon'ble NGT has constituted a joint committee comprising Odisha SPCB, CPCB and DM Sambalpur to visit the site and submit report regarding the allegation made by the applicant. 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 projects (Developmental and Industrial) are required to obtain "Consent to Establish" (hereinafter referred to as 'CTE') and "Consent to Operate" (hereinafter referred to as 'CTO') from the concerned State Pollution Control Board.
8. That the averments made under Para No. 6 to 7, refer that the applicant already submitted his concern against the said issue before Respondent No. 3 and 4 and need no reply from the Answering Respondent No. 7.
9. That the averments made under Para No. 8 refer that the stock yard area is neither covered with the green belt nor having a proper boundary thus violating industry establishment rule and NGT guideline. In this context it is humbly submitted that by order dated 12.03.2024 in this matter Hon'ble NGT has constituted a joint committee comprising Odisha SPCB, CPCB and DM Sambalpur to visit the site and submit report regarding the allegation made by the applicant.
10. The averment made under Para No. 9 highlights that the applicant complained about contamination of ground water causing decrease in vegetative production due to unscientific iron dust piling to Respondent no 5. In this context it is humbly submitted that by order dated 12.03.2024 in this matter Hon'ble NGT has constituted a joint committee comprising Odisha SPCB,



CPCB and DM Sambalpur to visit the site and submit report regarding the allegation made by the applicant.

11. The averment made under Para No. 10 is grievance against Respondent No. 6 that though it is known to them that the stock yard is constructed within reserve forest without clearance but no action initiated to stop such illegal activity, and need reply from this Answering Respondent No. 7.
12. The averment made under Para No. 11-13 pertains to suffering of villagers due to destruction of agricultural land caused by contamination from such stock yard. In this context it is humbly submitted that by order dated 12.03.2024 in this matter Hon'ble NGT has constituted a joint committee comprising Odisha SPCB, CPCB and DM Sambalpur to visit the site and submit report regarding the allegation made by the applicant.
13. The averment made under Para No.14 elaborated the issue of serious health, hygiene and environmental problems caused due contamination of underground water and constant deposition of raw iron dust near village Bisadihi. In this context it is humbly submitted that by order dated 12.03.2024 in this matter Hon'ble NGT has constituted a joint committee comprising Odisha SPCB, CPCB and DM Sambalpur to visit the site and submit report regarding the allegation made by the applicant.
14. The averment made under Para No.15-17 refers to prayer of applicant to the Hon'ble NGT to constitute a committee under the supervision of Respondent No. 7 to inspect the disputed site and pass appropriate direction to stop the menace and to protect human life residing in the locality. In this context it is humbly submitted that by order dated 12.03.2024 in this matter Hon'ble NGT has constituted a joint committee comprising Odisha SPCB, CPCB and DM Sambalpur to visit the site and submit report regarding the allegation made by the applicant.
15. That with regard to the averments made under Para No. A to O of ground based on which present application has been made. In this context, it is to state that, reply to the contents in Grounds has already been given in previous paragraphs. However, the right to address the said grounds properly at the time of the hearing of this application is reserved.



16. That the contents of the above paragraphs are true and correct to the best of my knowledge and that nothing material has been concealed therefrom.



Mrinal Kanti Biswas

Scientist 'E' & Regional Director,
CPCB, Kolkata



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AFFIDAVIT

I Mrinal Kanti Biswas, Son of Saroj Kumar Biswas, aged 42 years, having office at the Regional Directorate (Kolkata), Central Pollution Control Board (CPCB), Southend Conclave, Block No.502, 5th & 6th floor, 1582, Rajdanga Main Road, Kolkata- 700107, do hereby solemnly affirm, declare on oath and state as under: -

1. That the accompanying reply may be read part and parcel of the present affidavit as I am competent to swear this affidavit.
2. That the accompanying reply has been drafted and filed under my instructions and authority the contents thereof are true and correct on the basis of the record maintained during ordinary course of business of CPCB and available records and documents and the contents of the same are read over and explained to me and are not repeated herein for the sake of brevity.

Adesh

DEPONENT

VERIFICATION

Verified at Kolkata on this day of 30th July 2024 that the contents of the above reply are correct and true on the basis of the record of the cases as mentioned in the day to day affairs of the CPCB. Nothing has been concealed therefrom or mis-stated.

Signed and verified on this 30th day of July, 2024 at Kolkata



Adesh
NIRMALYA DAS GUPTA
Advocate Cum Notary
REGN NO.-006/2022
C.M.M. Court Calcutta

SOLEMNLY AFFIRMED
&
Declared Before me
on Identification Adv.
NOTARY
N. DAS GUPTA
C.M.M. Court
Govt. W.B.

Adesh
DEPONENT

03 JUL 2024