

**BEFORE THE NATIONAL GREEN TRIBUNAL, KOLKATA**



**Original Application No.:** 63/2024/EZ

(Originally listed as 18/2024/PB)

*26624* Ajay Kumar Murarka

.....Applicant

**Versus**

State of Jharkhand & Ors.

..... Respondents

**Reply upon the Affidavit filed by the Respondent No. 2 (Jharkhand State  
Pollution Control Board)**

I, Ajay Kumar Murarka, S/o Late Ram Gopal Murarka Resident of M.E. School Road, Jugsalai, P.S. Jugsalai, East Singhbhum, Jamshedpur-831006; do hereby solemnly affirm and declare as follows:-

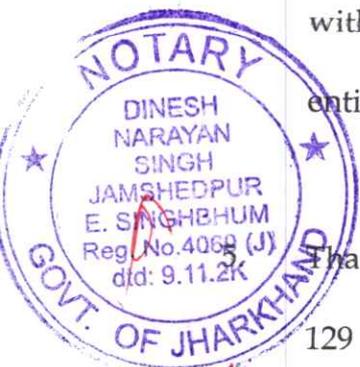
1. That I am the Applicant in this case and as such well acquainted with facts and circumstances of this case.

*AD*

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Advocate. *[Signature]*

2. That I have gone through the affidavit filled by the Respondent No. 2
  3. That the joint committee has failed to appreciate the fact that the Environment Clearance, relying upon which the entire report has been prepared, was given on 20.2 acres of land whereas presently the project proponent has got legal rights only upon 13 acres of land. Hence it is very well proven that the project proponents are operating illegally beyond their allotted land.
  4. That the joint committee has not appraised your lordships that only 13 acres out of the said 20.2 acres stands allotted in the name of Respondent M/s. GM Iron & Steel Co. Ltd. The committee in its report has made best efforts to misguide this forum by stating that "the project was auctioned and sold". On the contrary, the fact remains that only 13 acres of land along with the plant and machineries thereupon have been sold off and not the entire premises or unit / company as a whole.
- That the petitioner seeks to draw your attention towards Page Nos. 127 to 129 of the respondent's affidavit which very clearly demonstrates as to how M/s. GM Iron & Steel Co. Ltd have encroached upon the land parcels,



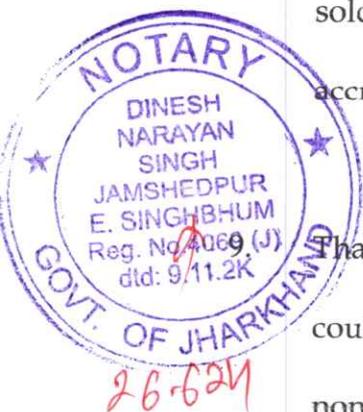
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Advocate, Jharkhand

beyond their allotted area and stored raw materials outside the allotted area. Even the ESP and Heat Exchanger fall outside the allotted land parcel. The Annexure - 15 to the Joint Committee's report also demonstrates this.

6. That the tabular demonstration of the issues raised by the petitioner in the original letter petition in the Joint Committee's report confirm the alleged violations.
7. That the EC conditions have specifically spoken of "Waste Gas from DRI kiln to be utilized in the WHRB" whereas this is not being done. It is therefore very well evident that the respondent project proponent has altered the process outlined in the EC as well as the EIA study.
8. That the Char, which was supposed to be utilized in FBC boilers, is being sold off in the market and is also stored within the plant premises. Kiln accretions are also stored in the factory premises.



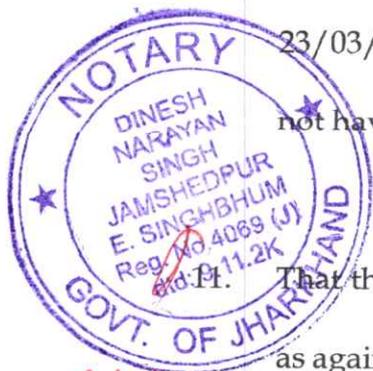
That in response to the averment of the petitioner as to how the RO, JSPCB could have recommended for issuance of CTO despite having numerous non compliances, the respondents seek to take shelter of the disclaimers given in the subsequent paragraphs. It is clear that "inspection report"

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submitted for issuance of the CTO in favor of GM Iron & Steel Co. Ltd was a misleading and forged report wherein the Non - complied conditions have been termed as "Assured to Comply". Mere assurances but factual non - compliance should have rather called for action upon the project authorities. But instead, the JSPCB officials, in connivance with the project authorities have tried their best to suppress the irregularities.

10. That the JSPCB officials have also taken shelter of a purported legal opinion of the board's advocate for issuance of the CTO in favor of G.M. Iron & Steel. It is a matter of grave concern as to how the JSPCB have issued CTO even without the unit having obtained the EC. Not only the project proponent, but even the erstwhile concerned officials of JSPCB are also grossly violating the statutory provisions for issuance of CTO. The CTO has been issued to GM Iron on 08/04/2022 and subsequently renewed on 23/03/2023. Whereas it is an admitted fact that the project proponent does not have any EC in their name even as on date.



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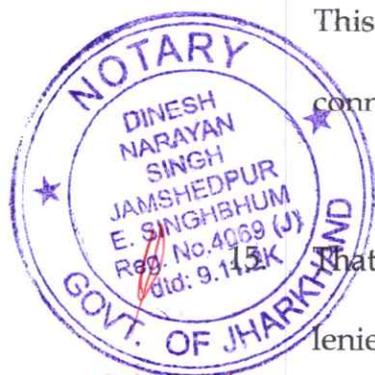
That the land allotted to the project proponent as on date is only 13 acres as against 20.20 acres in the original EC. Hence under no circumstances the said EC, granted in the name of M/s. Bimaldeep Steel Private Ltd can be transferred to M/s. GM Iron & Steel Co. Ltd.

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12. That with the limited land parcels available to the project proponent, they cannot setup WHRB and FBC boilers in the allotted land and hence the EC cannot be complied with fully. Hence due to non-feasibility of the project within the available land, the project should be scrapped and abandoned.
13. The EC as well as CTE issued for the 2<sup>nd</sup> kiln of 100 TPD Sponge Iron Plant in favor of M/s. Bimaldeep Steel Private Limited, specifically mentioned that DRI plant will not be operated without captive power plant. Still, the CTO was issued in favor of GM Iron
14. That despite the Joint Committee specifically recommending for revocation of the CTO, Jharkhand State Pollution Control Board (JSPCB) have not yet revoked the CTO and neither have issued any closure order. This demonstrates the prevailing corruption in the board and also the connivance between JSPCB officials and project authorities.
- That the JSPCB officials have always been and still continue to be very lenient in their approach. The calculation for Environmental compensation has been made only for a period of 62 days, i.e. 11/03/2024 to 11/05/2024 in order to benefit the violators. Whereas the inspection was made by



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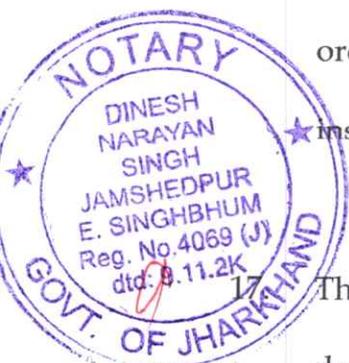
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JSPCB on 25/01/2021. The violation has been going on even prior to this date, but for the sake of brevity, even if this date is considered as the date for commencement of violations, then the Environmental compensation should have been calculated for 1202 days (till 11/05/2024) and not 62 days in any case. The compensation would thus be about Rs. 5,07,09,375 for 1202 days @ Rs. 42,187.50/- (as indicated in the show cause notice issued to the project proponent)

16. That the level of favoritism and connivance of JSPCB and GM Iron can be well interpreted by looking at the CTO issued vide Ref No. JSPCB/HO/RNC/CTO-9842816/2022/413 dated 08/04/2022. The application for the said CTO has been made on 07/04/2022 and the JSPCB, without dealing with the merits of the case, have issued the CTO on the very next day, i.e. on 08/04/2022. It is even more surprising to note that in order to favor the proponent, the JSPCB headquarters have relied on a **★ inspection report dated 25/01/2021, (a report more than 14 months old).**



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That the Online Consent Management Dashboard demonstrates that during the months of March & April 2022, the same period, about 78 such applications were filed with JSPCB from the same "Saraikela Kharsawan" district and the mean time consumed by JSPCB to dispose these

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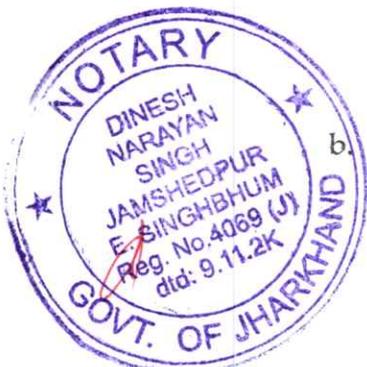
applications was 52.75 or 53 days, whereas the JSPCB officials were in such hurry in the instant case that they have, with all hooks and crooks, disposed off this CTO application in just 1 day! On the other hand even for a "Green" category industry who applied on 08/04/2022, it took JSPCB about 145 days to dispose off the application as late as on 31/08/2022.

18. That in addition to the grounds and prayers made in the original letter petition, the petitioner further humbly prays before your lordships for the following reliefs: -

a. Since the CTOs have been issued to M/s. GM Iron & Steel Co. Ltd without obtaining Environmental Clearance and hence it is prayed that the Consent to Operate issued in favor of the respondent project proponent be revoked immediately.

b. Closure order be issued against the unit directing them to shut down the operations with immediate effect.

c. Penalty be imposed and departmental proceedings be initiated against the JSPCB officials for issuance of CTO in absence of prior



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environmental clearance and even renewing it further, in connivance with the project proponent company.

- d. The MOEF, be directed not to transfer the erstwhile EC issued in the name of M/s. Bimaldeep Steel Private Ltd in favor of M/s. GM Iron & Steel Co. Ltd.
- e. The district administration, Saraikela Kharsawan be directed to seal the unit and lock out the factory
- f. The Jharkhand Bijli Vitran Nigam Ltd be directed to cut off the power supply of the violating factory.
- g. The Jharkhand State Pollution Control Board be directed to re-calculate and recover the environmental compensation from the date of 1<sup>st</sup> CTO application or inspection made by them and not just for 62 days without any basis.
- h. The project proponent be directed to remove all stored raw materials, plant and machineries and any other obstructions on lands beyond their allotted area.



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Advocate *[Handwritten signature]*

- 19. That the contents of this affidavit were read over to me which I fully understood.
- 20. That I have gone through the contents of this affidavit and fully understood the same.

Verified, signed and sworn at Jamshedpur on this the 26<sup>th</sup> day of Jun, 2024.

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Advocate, Jamshedpur



Solemnly Affirmed and Declare before me to be true by the executant who's identified by Sri. *A.K. Sharma* Advocate Jamshedpur

*26.6.24*  
Dinesh Narayan Singh  
**NOTARY**  
District Court  
JAMSHEDPUR

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NOTARY  
DINESH NARAYAN SINGH  
JAMSHEDPUR EAST SINGH

