

**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
MISC. APPLICATION NO.17/2024**

IN

Original Application No.173 of 2017/EZ.

Rama Chandra Mahanta & Another. Applicant

-versus

M/s. Serajuddin & Co. & Others. Respondents

INDEX

Sl. No.	Description of the documents	Page Nos.
1.	Affidavit.	
2.	Photocopy of the letter No.1738 dtd.01.08.2022 along with joint inspection report. ANNEXURE – R4/A	
3.	Photocopy of the letter No.7070 dtd.09.05.2024. ANNEXURE – R4/B	
4.	Photocopy of the reminder letter No.11156 dtd.22.07.2024. ANNEXURE – R4/C	
5.	Photocopy of the letter No.7067 dtd.09.05.2024. ANNEXURE – R4/D	

By the Respondent No.4

Through

Kolkata

Date:

Smt. Papiya Banerjee Bihani

Advocates for the Respondent No.4

(State Pollution Control Board, Odisha)

e-mail: pbanerjeebihani@gmail.com

Phone No.:9831493390

**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
MISC. APPLICATION NO.17/2024
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Rama Chandra Mahanta & Another. Applicant

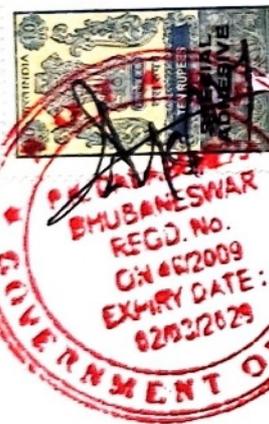
-versus

M/s. Serajuddin & Co. & Others. Respondents

**AFFIDAVIT ON BEHALF OF STATE
POLLUTION CONTROL BOARD, ODISHA,
RESPONDENT NO.4.**

I, Dr. Kailasam Murugesan, IFS, son of late Paramasivam Kailasam aged around 56 years, at present working as Member Secretary, State Pollution Control Board, having my office at Paribesh Bhawan, A/118, Nilakantha Nagar, Unit-VIII, P.O. Nayapalli, Bhubaneswar, Dist – Khurda, Odisha-751012, do hereby solemnly affirm and state as under:

1. That I am the Member Secretary of the Respondent No.4 Board and, as such, am well-acquainted with the facts and circumstances with the case and competent to swear



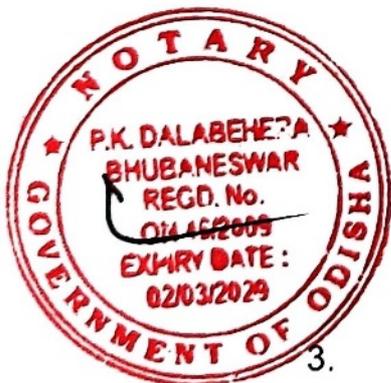
this affidavit. I have also gone through the contents of the MA and understood the contents thereof.

2. That, this Hon'ble Tribunal vide their order dtd.21.04.2022 has been pleased to dispose of the aforesaid OA. The operative part of the order contained in para-6 is reproduced below:

"6. In view of report of the MoEF&CC finding violations as above, the statutory regulators have to take further remedial action for compliance of the EC conditions as well as assessment and recovery of compensation for the past violations, following due process of law. Compensation should be assessed by a joint committee of CPCB, State PCB and District Magistrate, with State PCB as nodal agency on polluter pays principle, considering the extent of violations, period of violations, cost of remediation and deterrent element, with reference to financial capacity of the violator. This may be done within three months.

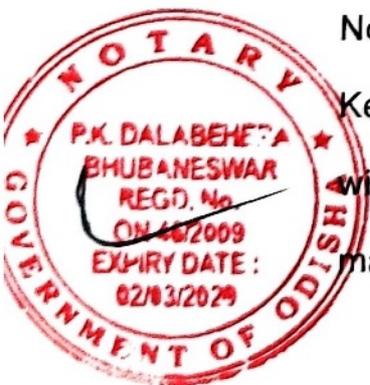
The Application is disposed of".

3. That it is humbly submitted that M/s. Balda Block Iron Ore Mines of M/s. Sirajuddin & Co. (R.No.1) falls under A



category as per the schedule appended to the EIA Notification, 2006 and the MoEF&CC, Govt. of India has been declared as Regulatory Authority for this project and as such they are liable to take the remedial action for violation of condition of environmental clearance.

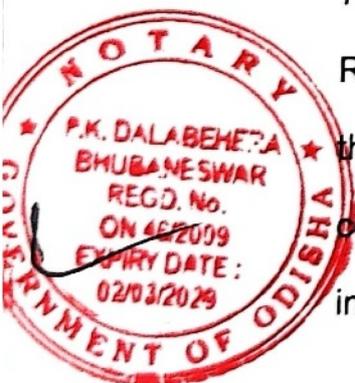
4. That so far as assessment and recovery of environmental compensation for past violation, the joint inspection by the committee comprising of DFO, Keonjhar, Sub-Collector, Champua, Scientist-C of CPCB, Kolkata and Regional Officer, Keonjhar of the R.No.4 Board have inspected the site on 11.07.2022. The committee after the visit estimated the environmental compensation to be Rs.6,00,18,750/- (Rupees six crore eighteen thousand seven hundred and fifty only) and the joint committee report has been forwarded by the Collector & DM, Keonjhar (R.No.3) to the Registrar, NGT, EZB, Kolkata vide his letter No.1738 dtd.01.08.2022 with copy to the Regional Officer, Keonjhar of the R.No.4 Board. A copy of the said letter along with joint inspection report is annexed to this affidavit and marked as ANNEXURE – R4/A Colly.



5. That it is further humbly submitted that the R.No.4 Board has also communicated the joint inspection report to the R.No.1 unit with a request to deposit the environmental compensation before the R.No.4 Board but no response has been received despite issuance of reminder. A copy of letter No.7070 dtd.09.05.2024 and reminder letter No.11156 dtd.22.07.2024 are annexed to this affidavit and marked as **ANNEXURE – R4/B** and **ANNEXURE – R4/C** respectively.

6. That in addition to the aforesaid action, the R.No.4 Board has also forwarded the copy of joint inspection report to the MoEF&CC, Govt. of India (R.No.5) vide Board's letter No.7067 dtd.09.05.2024. A copy of the letter No.7067 dtd.09.05.2024 is also annexed to this affidavit and marked as **ANNEXURE – R4/D**.

7. That this affidavit showing the steps taken by the R.No.4 Board for compliance of the order dtd.21.04.2022 of the Hon'ble Tribunal is filed by the R.No.4 Board in compliance to order dtd.19.04.2024 of the Hon'ble Tribunal in MA No.17/2024/EZ.



08. That the Respondent No.4 Board craves the leave of this Hon'ble Tribunal to file further affidavit if necessary for proper adjudication of this case.

09. The annexures annexed to the present affidavit are true and correct copies of their respective originals.

10. The contents of the above paragraphs are true and correct to the best of my knowledge, as derived from the official records, and that nothing material has been concealed therefrom.



[Signature]
DEPONENT
Member Secretary
State Pollution Control Board
Odisha, Bhubaneswar

VERIFICATION:

I, the above named deponent do hereby verify that the contents of the above affidavit are true and correct to the best of my knowledge, as derived from official records, and that nothing material has been concealed therefrom.

Verified at Bhubaneswar on the 2nd day of August

IDENTIFIED BY ME
[Signature]
02/08/2024
ADVOCATE, BHUBANESWAR

THE ABOVE NAMED DEPONENT BEING IDENTIFIED BY.....*M. Mishra*..... ADV. BBSR APPEARS BEFORE ME AND STATE AN OATH ON.....*02/08/2024*.....AT ABOUTAM/PM THAT THE CONTAINS OF THIS AFFIDAVIT ARE TRUE TO THE BEST OF HIS/ HER KNOWLEDGE

[Signature]
DEPONENT
Member Secretary
State Pollution Control Board
Odisha, Bhubaneswar

[Signature]
P K DALABHERA
Notary, Bhubaneswar
Regd. No. ON-46/09



ANNEXURE - R4/A Colly.

OFFICE OF THE COLLECTOR & DISTRICT MAGISTRATE: KEONJHAR

No. 1738 /Judl.Dt. 01.08 /2022.

To

The Registrar, National Green Tribunal,
Eastern Zone, Bench, Kolkata,
New Town, Kolkata, 700161.

Sub: - Order dtd.21.04.2022 of the Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata in O.A No.173/2017/EZ filed by Ramachandra Mahanta & Anr.VS M/s.Serajuddin & CO & Ors.

Sir,

In inviting a reference to the subject cited above, I am to intimate that in response to the order dtd.21.04.2022 of Hon'ble, National Green Tribunal, Eastern Zone Bench, Kolkata passed in O.A No.173/2017/EZ filed by Ramachandra Mahanta & Anr joint inspection to the project site of M/s Serajuddin & Co was conducted on dt.11.07.2022 by the joint committee constituted by the Hon'ble Tribunal.The Joint inspection report is enclosed herewith for kind appraisal of the Hon'ble Tribunal.

Encl: As above

Yours faithfully,

Memo No. 1739 /Judl.Dt. 01.08.2022

Collector, Keonjhar.

Copy of joint Inspection report forwarded to the Divisional Forest Officer, Keonjhar for information and necessary action.

Memo No. 1740 /Judl.Dt. 01.08.2022

Collector, Keonjhar.

Copy of joint Inspection report forwarded to the Regional Officer, SPCB, Keonjhar for information and necessary action.

Memo No. 1741 /Judl.Dt. 01.08.2022

Collector, Keonjhar.

Copy of joint Inspection report forwarded to Sri Asish Kumar Naskar, Scientist - C, CPCB, Kolkata for information and necessary action.

Collector, Keonjhar.

JOINT INSPECTION REPORT IN THE MATTER OA NO.173/2017/EZ (RAM CHANDRA MAHANTA & ANR.VS M/S. SERAJUDDIN & CO & ORS.) AS PER HON'BLE NGT ORDER DATED. 21.04.2022.

In pursuance to the Order dtd.21.04.2022 of the Hon'ble National Green Tribunal Special Bench, in O.A. No. 173 / 2017 / EZ (Ram Chandra Mahanta & Anr. VS M/s. Serajuddin & Co & Ors. and subsequent Letter No. 1190 dtd.06.07.2022 of the Member Secretary State Pollution Control Board Odisha an enquiry at Project site was conducted on dt.11.07.2022 by the joint committee constituted with following officials:

1. Sri Dhanraj H.D, IFS, Divisional Forest Officer, Keonjhar
2. Sri Pratap Preetimayee, Sub-Collector, Champua, Keonjhar
3. (Representative of the Collector & District Magistrate, Keonjhar)
4. Sri Ashish Kumar Naskar, Scientist-C, CPCB, Kolkata
5. Sri Prasanta Kar, Regional Officer, SPCB, Keonjhar

Following officers of different Departments accompanied the Committee.

1. Sri Dinesh Agarwal, Deputy Director Mines, Joda, Keonjhar
2. Sri Dhruva Charan Jena, Asst. Mining Officer, O/o. DDM, Joda
3. Smt Nibedita Das Bebartta, Asst. Environmental Engineer, RO, SPCB, Keonjhar
4. Sri Lalmohan Mohapatra, Revenue Supervisor, Tahasil Office, Barbil, Keonjhar
5. Sri Awanindra Kumar, Sr. Scientific Assistant, CPCB Kolkata
6. Sri A. K Dubey, Sr. Scientific Assistant, CPCB Kolkata
7. Sri Sanjeev Rout, Forest Range Officer, Champua, Keonjhar
8. Sri Dukhla Majhi, Survey Assistant, O/o DDM, Joda

Sri Ramakanta Mishra, VP, Sri Binoda Acharya GM (Planning Cell & Geology), Sri Anjan Ku Sahu, GM (Mines) of Balada Iron Ore Mines of M/S Serajuddin & Co were present during the visit. The committee hold meeting with officials of the unit on 11th July 2022 and visited the mine lease area to investigate the matter in light of the overburden dumping, plantation and other issues.

SALIENT FEATURES OF THE MINE

Type & Category	Iron Ore Mine, Open cast - Mechanised (Red Category)		
Location	At- Balda, PO- Bamebari, Dist- Keonjhar		
Lease Hold Area	343.981 Ha (As per DGPS)	Forest Land :	312.032 Ha
	335.594 Ha (As per RoR)	Non Forest Land :	31.949 Ha
Lease Period	Date of Lease Execution :	07.07.2020	
	Validity of Lease :	50 years	
		(2020-21 to 2070-71)	
Production Quantity	15.5 Million TPA (ROM)		

BACK GROUND

Balda Iron Ore Mining lease over an area of 343.981 Ha (As per DGPS)/335.594 Ha. (As per RoR) under Barbil Tahasil of Keonjhar district, Odisha was initially granted in favour of previous lessee Balda Block

Iron Ore Mine of M/s. Serajuddin & Co. a partnership firm and the mine lease expired on 31.03.2020. The lease was put for auction and has been granted to M/s. Serajuddin & Co.

Subsequently, in terms of section 8B (2) of MM(D&R) Act, 1957 read with Rule 9A(4) of MCR, 2016, the bidder is deemed to have acquired all valid rights, approvals, clearances, licenses and the like vested with the erstwhile lessee for a period of two years from the date of execution of the lease deed or till the date of getting fresh approvals, clearances, licences, permits and the like whichever is earlier vide letter no. 4842/SM, dtd. 10.06.2020. The Collector, Keonjhar executed the Mining Lease Deed in favour of Balda Iron Ore Mine of M/s. Serajuddin & Co. on 07.07.2020 for a period of 50 years over the said lease hold area. The new lessee has started mining operations since 01.10.2020 after obtaining vested CTO order and has stopped operation since 06.07.2022, as informed.

STATUS OF STATUTORY CLEARANCES

1	Approved Mining Plan	Modification of review of mining plan of Balda Block Iron Ore Mine along with Mine closure plan has been approved by Regional Controller of mines, Bhubaneswar dtd 09.04.2021 for over an area of 343.981 Ha (As per DGPS)/335.594 Ha (As per RoR) in Keonjhar district (copy enclosed as Annexure -1)
2	Environmental Clearance	Environmental Clearance has been granted in favour of the mine by MoEF & CC, Govt. of India, dtd. 19 th November, 2013 for the mining lease area as per the revised mining lease deed. (Copy enclosed as Annexure-2).
3	Consent to Operate	Consent to Operate granted to the mine for production of Iron ore (ROM) of 15.15 MTPA along with operation of mineral handling plants was valid up to 31.03.2020 (Copy enclosed as Annexure -3).
4	Vesting Order	The said CTO order has been vested to the new lessee vide letter no. 4842/SM, dtd. 10.06.2020 of Steel & Mines Department, Govt. of Odisha for a period of two years from the date of execution of lease deed i.e. w.e.f 08.07.2020 & vide letter no. 1812/SM, dtd. 28.02.2022 of Steel & Mines Department, Govt. of Odisha till expiry or termination of mining lease granted. (Copy enclosed as Annexure - 4 & 5).
5	Forest Clearance	Obtained Forest Clearance for diversion of 24.446 Ha of forest land vide letter no. 355/6F-Mining-126/2013, dtd. 08.11.2018 (Copy enclosed as Annexure - 6).
6	Surface Right	Obtained surface right for 244.65 Ha from the Collector and District Magistrate, Keonjhar in four phases (Copy enclosed as Annexure -7).

PRESENT COMPLIANCE STATUS OF CONDITIONS STIPULATED IN EC VIDE LETTER DTD. 19.11.2013

Sl. No.	A. Specific Conditions	Status of compliance	Observation of the Committee
v.	Effective safeguard measures shall be taken to ensure that AAQ level at various locations including crushing zone, area within permissible limit as prescribed by CPCB. The standards prescribed for stone	Partially complied	It revealed from the monitoring report submitted by the Mines that The mine is carrying out ambient air quality monitoring manually at eight nos. of locations (i.e. 5 nos. in Core zone and 3 nos. in buffer zone) by engaging third party M/s "BS Envi-Tech Pvt Ltd", Bhubaneswar since 01.05.2022. Earlier it

	<p>crushers shall be followed.</p> <p><i>It was observed during site visit that regular monitoring of fugitive dust emissions is being carried out. The monitoring is being carried out on 24 hourly basis at different site locations in the core zone. It is reported that 04 nos. of mobile water tankers (each capacity 12 KL) are being used for suppression of dust. But, it has been noted that fugitive emissions are high within the mine area due to transport of ore by the dumpers. The water spraying on the haul roads is insufficient to contain dust generation.</i></p>		<p><i>was being monitored by M/s. Clean Environ Pvt Ltd, Bhubaneswar.</i></p> <p><i>Apart from this there are 3 nos. of Continuous Ambient Air Quality Monitoring Stations, out of which two nos. of station are at core zone and one no. station is at buffer zone.</i></p> <p><i>Yearly average monitoring data submitted by the Mines of all the above is attached as Annexure-B</i></p> <p><i>The Project Proponent has engaged 5 nos. of mobile water tankers (i.e. 3 x 10 KL & 2 x 12 KL) for sprinkling water on haul roads, excavation area and other strategic dust generating areas for control of fugitive dust emissions. Reportedly, the mine has increased the frequency of water sprinkling for efficient suppression of dust emissions.</i></p> <p><i>Out of about 7.0 Km stretch fixed Water sprinkler provided by previous lessee in the main haul road of Block-A & Block-F1 quarry, around 4.2 kms in Block-F1 quarry was not in operation as the Joint Director of Mines debarred the area for operation (Block-F1) as it is in sabik forest.</i></p> <p><i>Out of remaining 2.8 Km only 1.5 Km stretch of auto fixed sprinklers in the main haul road of Block-A quarry are in operation & balance stretch is found to be nonfunctional which is being substituted by mobile water tankers.</i></p> <p><i>No fugitive dust emissions observed on the day of inspection as Mine was under shut down.</i></p>
x.	<p>Mineral handling area shall be provided with adequate number of high efficiency dust extraction system. Loading & unloading area including all the transfer points should also have efficient dust control arrangements. These should be properly maintained and operated.</p> <p><i>During monitoring, it was observed that water sprinkling is being carried out by engaging 04 nos. of mobile water tankers (04 no. 12 KL) and one (01) no. of mist spray system have been provided at</i></p>	Partially complied	<p><i>It was observed that mine has engaged 5 nos. of mobile water tankers (i.e. 3 x 10 KL & 2 x 12 KL) for sprinkling water on haul roads, excavation area and other strategic dust generating areas for control of fugitive dust emissions. Reportedly, the frequency of water spraying on the haul roads has been increased for efficient suppression of dust emissions from mining activities.</i></p> <p><i>Apart from this there is provision of auto fixed water sprinkling arrangement over 1.5 Km stretch in haul roads.</i></p>

	<p>workshop, loading and unloading points, in and around the crusher and screening plants and other strategic dust generating areas including mines haul and mineral dispatch roads. Apart from that auto fixed water sprinkling arrangement of 7.0 KMs length has been provided for mineral dispatch roads. It has been noted that dust emissions due to plying of trucks transporting mineral ores from the mine to the outside was high. The frequency of water spraying on the roads should be increased by the project authorities.</p>		
xi.	<p>Effective safeguard measures such as regular water sprinkling should be carried out in critical areas prone to air pollution and having high levels of particulate matter such as around crushing & screening plant, loading and unloading point and transfer points. Extensive water sprinkling shall be carried out on haul roads. It should be ensured that the Ambient Air Quality parameters conform to the norms prescribed by the Central Pollution Control Board in this regard.</p> <p>During site visit, it was observed that 04 nos. of mobile water tankers (04 no. 12 KL) and Haul roads are being maintained with the help of grader to avoid generation of dust during movement of vehicles and ruts and potholes.</p> <p>The frequency of water spraying on the roads should be increased by the project authorities.</p>	Partially complied	Reportedly, the frequency of water spraying on the roads has been increased by engaging 5 nos. of mobile water tankers of capacities 3x18 KL & 2x12 KL for sprinkling water on haul roads, excavation area and other strategic areas.
xix.	<p>Dimension of the retaining wall at the toe of the temporary over burden dumps and OB benches within the mine to check run-off and siltation should be based on the rain fall data.</p>	Partially complied	Reportedly, mine has a total length of 7049 m Retaining wall followed by garland drain of 5400 m at the toe of the dumps with dimensions i.e. 1.2 m x 1.0 m by considering the annual rain fall data during previous lease period.

	<p>During site visit, it was observed that all the sub grade and OB/Waste dumps are maintained with proper heights with terracing and proper slopes with adequate protection measures i.e. a total length of 7049 m retaining wall followed by garland drain of 5400 m has been made at the toe of the dumps with proper dimensions i.e. 1.2 m x 1.0 m for stabilization of critical areas of dump slopes, coir matting with mixed grass seeds also applied towards green vegetation throughout the year. Garland drain and sedimentation pits need to be de-silted and the retaining wall damaged at places needs to be repaired and strengthened.</p>		<p>It was observed that OB dump/Waste dumps were partly stabilized with coir matting and plantation have been carried out partly. Following lapses in proper management of Dumps were observed. Dump slopes has not been maintained properly. Retaining wall, Garland drain of old dump & active dump found damaged at many places & settling pits are not de-silted which may lead to wash out & subsequent contamination of Run off.</p>
xxvi.	<p>Sewage treatment plant shall be installed for the colony. ETP shall also be provided for workshop and waste water generated during mining operation.</p> <p>No STP has been observed during monitoring at site. Oil and grease separation unit and ETP had also been provided within the mining lease area, but during the date of site visit it is found to be not functional. The project authorities have assured that renovation and up gradation of the system is proposed to be undertaken shortly.</p>	Assured to comply	<p>The ETP i.e Oil & Grease separation cum Settling pit provided by the previous lessee was found not in operation as there is no servicing or maintenance activities of HEMM inside the ML area.</p> <p>As reported present mining operation is being carried by deploying local contractor M/S Sarosh Alizah Mining, Balda, Kalimati, Keonjhar and the vehicles engaged by them are maintained outside lease area at their own facility.</p> <p>Reportedly, during previous lease period Sewage Treatment Plant was installed outside the lease area at the temporary camp made by the contractor engaged by the mines. Same was found to be in place during inspection.</p> <p>Presently the domestic effluent from office facilities get disposed off in soak pits via Septic Tank & Canteen effluent get disposed off in Soak pit.</p>
xviii.	<p>Pre-placement medical examination & periodical medical examination of the workers engaged in the project shall be carried out & records maintained. For the purpose, schedule of health examination of the workers should be drawn and</p>	Partially complied	<p>The mine is following the schedule Medical examination of each employee under mines Act-1952 rule 1955 and recommendation of 7th-12th conference safety in mines under Utkal Poly clinic, Bhubaneswar.</p> <p>Initial Medical Examination has been carried out for the employees engaged at the mines</p>

	<p>followed accordingly.</p> <p><i>It was reported by the project authorities that Initial Medical Examination and Periodical Medical Examination of the workers engaged in the project is being undertaken periodically for permanent and outsider employees along with the premedical examination of persons employed, who are engaged in the process of mining and area likely exposed to dust to observed any contractions due to exposure to dust. This is being carried as per in compliance to Mines Act 1952 & rules 1956 and amendments thereto. The last such examination was held for the 32 nos. of employee of the project during the year 2019-20. It is requested to submit latest pre-placement medical examination & periodical medical examination to this office.</i></p>		<p><i>since commencement of operation. However, periodical medical examination is not done as the due date of PME is yet to come. Details of IME/PME done till date latest during 2021 with the copies of medical certificate in Form-O of eligible employees is attached as Annexure-9.</i></p>
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B.	General Conditions:	Status of compliance	Observation of the Committee
x.	<p><i>The project authorities should inform to the Regional Office located at Bhubaneswar regarding date of financial closures and final approval of the project by the concerned authorized and date of start of land development work.</i></p> <p><i>It is requested that Environmental Statement for the year 2020-21 should be submitted to this office.</i></p>	Not Complied	<p><i>Final closure plan has been submitted to Regional Office, Indian Bureau of Mines, Bhubaneswar vide letter no BBIM/277-A/2018-19 dated 29.10.2018 and same has been approved by the concerned authority vide their letter no FMCP/FM/45-ORI/BHU/2018/1800, dtd. 31.10.2018 before completion of lease. Copy of approval letter from IBM, BBSR is attached as Annexure-10.</i></p> <p><i>The mine has submitted the environmental statement for financial year 2020-21 and 2021-22 to State Pollution Control Board, Odisha and Regional office, MOEF & CC, Bhubaneswar vide letter nos. BIOB-CS/SPCB/ES/2020-21, dtd. 09.06.2022 and BIOB-CS/SPCB/ES/2020-21, dtd. 20.06.2022 respectively.</i></p>
xii.	The project proponent shall submit six monthly reports on the	Not Complied	The lessee has submitted the soft copy of EC compliance report for the period October'21 to

	<p>status of compliance of the stipulated environmental clearance conditions including results of monitored data (both in hard copies as well as by e-mail) to the ministry of Environment and Forests, its Regional Office, Bhubaneswar, the respective zonal office of Central Pollution Control Board and State pollution Control Board. The proponent shall upload the status of compliance of the environmental clearance conditions, including results of the monitored data on their website and shall update the same periodically. It shall simultaneously be sent to the Regional Office of the ministry of Environmental and Forests, Bhubaneswar, the respective zonal officer of Central Pollution Control Board and the State pollution Control Board.</p> <p><i>It was reported by the project authorities that they are uploading the six monthly EC Compliance reports in the website www.serajuddin-bbim.com. However, while clicking on the said website, it is observed that the same not opening. The project authorities should provide information on the above matter.</i></p>		<p><i>March' 2022 at Regional Office MoEF & CC, Bhubaneswar.</i></p> <p><i>Regarding uploading of six monthly EC Compliance reports in the website www.serajuddin-bbim.com was not done till visit.</i></p>
xiii.	<p>A copy of clearance letter shall be sent by proponent to concerned panchayat, ZilaParishad / Municipal Corporation, Urban Local Body and the Local NGO, if any, from whom suggestions / representations, if any, were received while processing the proposal. The clearance letter shall also be put on the website of the company by the proponent.</p> <p><i>Through it was stated by the project authorities that the clearance letter has been uploaded in the website of</i></p>	Partially complied	<p><i>Uploading of EC letter in the website www.serajuddin-bbim.com was not done till visit.</i></p>

	<i>the company. However while clicking on the said website, it is observed that the same not opening. The project authorities should provide information on the above matter.</i>		
xv.	<p><i>The environmental statement for each financial year ending 31st March in Form-V as is mandated to be submitted by the project proponent to the concerned State Pollution Control Board as prescribed under the Environment (Protection) Rules, 1986, as amended subsequently, shall also be put on the website of the company along with the status of compliance of environmental clearance conditions and shall also be sent to the respective Regional Office of the Ministry of Environment and Forests, Bhubaneswar by e-mail.</i></p> <p><i>The project authorities have submitted environmental statement for the year 2018-19. The project authorities should submit Environmental Statement for the year ending 31st March, 2021 to this office.</i></p>	Not complied	<i>The lessee has submitted the environmental statement for financial the year 2020-21 and 2021-22 at State Pollution Control Board, Odisha and at Regional office, MOEF & CC, Bhubaneswar vide letter nos. BIOB-CS/SPCB/ES/2020-21, dtd. 09.06.2022 and BIOB-CS/SPCB/ES/2020-21, dtd. 20.06.2022 respectively.</i>

ENVIRONMENTAL COMPENSATION ASSESSMENT IN THE MATTER OF OA NO. 173/2017/EZ (RAM CHANDRA MAHANTA & ANR.VS M/S. SERAJUDDIN & CO & ORS.) AS PER HON'BLE NGT ORDER DATED. 21.04.2022.

The past violations of the Balda Iron Ore Mine of M/s. Serajuddin & Co. are mostly due to following non compliances

- i. As per the past grievance for obstruction of natural streams, underground water contamination and the unscientific management of mines overburden, causing severe environmental hazard in the locality.
- ii. Waste generated during the mining was to be used for road making and back filling in terms of EC conditions but the project Proponent dumped the entire waste near the mined pits.
- iii. The PP did not create green barriers in five stratified rows towards Betajhari and Jalpah nallah. Absence of plantation resulted in air pollution due to transportation of mined material through trucks. The roads were not properly maintained.
- iv. Over burdens near the pit were not stabilized. While enhancing the production capacity, due diligence was not done.

- v. Partial compliance of AAQ control measures, Inadequate dust control measures in Mineral Handling areas, lack of proper plantation & non uploading/submission of the EC & other statements in websites etc.

As per the order dtd 21.04.2022 of the Hon'ble NGT, the assessment of Environmental compensation (EC) for past violations of Balada Iron Ore Mines of M/S Serajuddin & Co is as follows.

The EC has been calculated as per formula recommended by the CPCB based on "Report of the CPCB in-house Committee on Methodology for Assessing Environmental Compensation & Action Plan to Utilize the Fund".

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

Where,

EC is Environmental Compensation in ₹

PI = Pollution Index of industrial sector (Based on Classification Industry i.e. Red, Orange, Green)

N = Number of days of violation took place

R = A factor in Rupees (₹) for EC

S = Factor for scale of operation (small scale = 0.5, medium scale = 1.0 and large scale = 1.5)

LF = Location factor (Depends on the population of the area)

Hence, for Balada Iron Ore Mines of M/S Serajuddin & Co

PI = 75 (Based on Pollution Index for Mines & Beneficiation Plant assessed by CPCB)

N = 2134 Days (Considering the period between the date of first complaint received by H.O, SPCB, Bhubaneswar against the mine i.e. dtd. 17.06.2016 and the date of order of Hon'ble NGT i.e. 21.04.2022).

R = ₹ 250 (As per CPCB guidelines)

S = 1.5 (For Large Scale Mining operation)

LF = 1.0 (Since Local population is less than 1 million)

So

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

$$= 75 \times 2134 \times 250 \times 1.5 \times 1.0$$

$$= ₹ 6,00,18,750.00 \text{ (Rupees Six Crore Eighteen Thousand Seven Hundred Fifty Only)}$$

RESTORATION PLAN:

Impact of mining on surrounding environment gets reflected in obstruction/change of natural drainage, covering of Land, partial or total loss of native Flora & Fauna. Unless adequate preventive measures are taken, it may lead to further degradation of the air, water & Land environment.

Based on site observations the committee suggests following action plan for Ecological restoration of Balada Iron Ore Mines of M/S Serajuddin & Co.

1. Terracing & maintaining of angle of repose between 30° and 45° in inactive part of active OB dump slope (50% part) & old OB dump slope (100%) to prevent collapse & soil erosion.

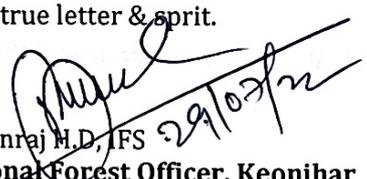
2. Coir matting followed by plantation of indigenous plant species over the slope of inactive part of active OB dump (50% part i.e. 20075 m²) & old OB dump (100% i.e. 21612 m²) for dump stabilization & most effective useful and widely accepted way of ecological restoration.
3. Construction /Repair of remaining part of Retaining walls, Garland Drain (total 1500m.) & settling Pits around OB dumps to prevent wash out & contamination of Runoff & subsequently the nearby streams.
4. Construction of remaining Gabion walls of about 200m stretch along Road for protection of Betajhari - nallah & construction of 4 wire mesh gabion check dams of 6 m * 1.5 m over 435 m length of Nala to reduce soil erosion. The width of wire mesh check dam may vary as per location on Nala.
5. Concreting /Paver blocking of approach road to avoid contamination of nearby stream during rain & to prevent dust pollution.
6. Development of Green Barrier in stratified rows along Betajhari Streams & KIDCO Road side in consultation with the DFO, Keonjhar as per memo no 3641 dated 18.05.2022 of O/O Divisional Forest Officer, Keonjhar Division.

The Mines may be asked for implementation of the Restoration plan/ Remediation within a four months' time frame.

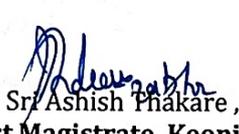
RECOMMENDATION:

For a sustainable development & long term protection of Ecology & Environment of the locality, the committee recommends following action plan for Balada Iron Ore Mines of M/S Serajuddin & Co.

1. The mine shall repair and maintain the KIDCO transportation road passing within its lease area on war foot basis to make the road dust/mud free to avoid fugitive dust emissions & contamination of adjoining streams due to spillage/wash out.
2. Mines has to deploy adequate nos of Fixed/mobile Fog cannons at all dust prone areas, Loading/Unloading areas for effective control of fugitive dust emissions in order to maintain AAQ within the Limit.
3. Covered Belt conveyors shall be provided from mine pit to Ore Stack yards to avoid road dust emissions due to internal transportation.
4. Approach road from main gate to KIDCO Road should be made concrete on war foot basis to protect local Nallah from contamination & prevent road dust.
5. Mine should implement the recommendations of CSIR-NEERI Nagpur for sustainable Mining in true letter & spirit.


Sri Dhanraj H.D., IFS
Divisional Forest Officer, Keonjhar


Er Prasanta Kar
Regional Officer, SPCB, Keonjhar


Sri Ashish Phakare, IAS
Collector & District Magistrate, Keonjhar


Sri Asish Kumar Naskar
Scientist-C, CPCB, Kolkata

ANNEXURE-R4/B



EPABX : 2561909/2562847
E-mail: paribesh1@ospboard.org
Website: www.ospboard.org

STATE POLLUTION CONTROL BOARD, ODISHA

(DEPARTMENT OF FOREST, ENVIRONMENT & CLIMATE CHANGE, GOVERNMENT OF ODISHA)
Paribesh Bhawan, A/118, Nilakantha Nagar, Unit - VIII
Bhubaneswar - 751 012, INDIA

No. 7070 /
To

IND-I-CON-2183

Date: 09.05.2024 /

The Agent Mines,
Balda Block Iron Mines of M/s. Serajuddin & Co.,
At/PO: Balda, PS: Bamebari, Dist: Keonjhar, Pin-758034
E-mail: info@serajuddinmines.com / anjan@serajuddinmines.com

Sub: Joint inspection report in the matter of OA No.173/2017/EZ (Ram Chandra Mahanta & Anr. Vs M/s Serajuddin & Co. & Ors... Reg.

Ref: Order dated 21.04.2022 of Hon'ble National Green Tribunal, Special Bench.

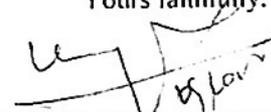
Sir,

Pursuant to the orders dated 21.04.2022 of Hon'ble NGT in the matter of OA No.173/2017/EZ (Ram Chandra Mahanta & Anr. Vs M/s Serajuddin & Co & Ors. a joint inspection was carried out on 11.07.2022 by the joint committee constituted comprising of DFO, Keonjhar. Sub-Collector. Champua. Scientist-C from CPCB, Kolkata and Regional Officer, SPCB, Odisha, Keonjhar for assessment of environmental compensation. The Committee after the visit estimated the Environmental Compensation to be Rs.6,00,18,750/- (Rupees Six Crore Eighteen Thousand Seven Hundred Fifty only). The Joint Committee has also suggested that the mine shall also take action for implemetation of restoration plan. The Joint Committee report was submitted on 01.08.2022 to the Registrar, NGT, Eastern Zonal Bench. Kolkata by the Collector and District Magistrate, Keonjhar. Copy of the report is enclosed for your information and necessary action.

In view of the above, you are hereby directed to deposit the compensation amount of Rs.6,00,18,750/- (Rupees Six Crore Eighteen Thousand Seven Hundred Fifty only) with the Member Secretary, State Pollution Control Board, Odisha as per the order of Hon'ble NGT in the above matter.

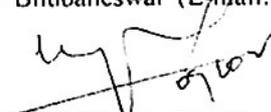
Yours faithfully,

Encl: As above.


MEMBER SECRETARY

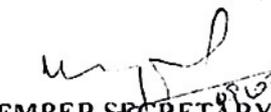
Memo No. 7071 , Date 09.05.2024 /

Copy forwarded to the Deputy Director General of Forests (C), Integrated Regional Office, Ministry of Environment, Forest and Climate Change, A/3, Chandrasekharpur, Bhubaneswar (E-mail: roez.bsr-mef@nic.in) for information and necessary action.


MEMBER SECRETARY

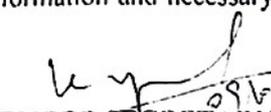
Memo No. 7072 , Date 09.05.2024 /

Copy forwarded to the Collector and District Magistrate, Keonjhar for information and necessary action.


MEMBER SECRETARY

Memo No. 7073 , Date 09.05.2024 /

Copy forwarded to the Regional Officer, SPCB, Odisha, Keonjhar for information and necessary action.


MEMBER SECRETARY



EPABX : 2561909/2562847
E-mail: paribesh1@ospcboard.org
Website: www.ospcboard.org

STATE POLLUTION CONTROL BOARD, ODISHA

[DEPARTMENT OF FOREST, ENVIRONMENT & CLIMATE CHANGE, GOVERNMENT OF ODISHA]
Paribesh Bhawan, A/118, Nilakantha Nagar, Unit – VIII
Bhubaneswar – 751 012, INDIA

No. 11156 /

IND-I-CON-2183

Date: 22.07.2024

To

The Agent Mines,
Balda Block Iron Mines of M/s. Serajuddin & Co.,
At/PO: Balda, PS: Bamebari, Dist: Keonjhar, Pin-758034
E-mail: info@serajuddinmines.com / anjan@serajuddinmines.com

Sub: Joint inspection report in the matter of OA No.173/2017/EZ (Ram Chandra Mahanta & Anr. Vs M/s Serajuddin & Co. & Ors... Reg.

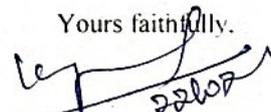
Ref: i) Order dated 21.04.2022 of Hon'ble National Green Tribunal, Special Bench.
ii) Board's Letter No.7070, Dated 09.05.2024.

Sir,

Pursuant to the orders dated 21.04.2022 of Hon'ble NGT in the matter of OA No.173/2017/EZ (Ram Chandra Mahanta & Anr. Vs M/s Serajuddin & Co & Ors, a joint inspection was carried out on 11.07.2022 by the joint committee constituted comprising of DFO, Keonjhar, Sub-Collector, Champua, Scientist-C from CPCB, Kolkata and Regional Officer, SPCB, Odisha, Keonjhar for assessment of environmental compensation. The Committee estimated the Environmental Compensation to be Rs.6,00,18,750/- (Rupees Six Crore Eighteen Thousand Seven Hundred Fifty only). The Joint Committee has also suggested that the mine shall also take action for implementation of restoration plan. In this connection Board has already directed you to deposit the compensation amount of Rs.6,00,18,750/- (Rupees Six Crore Eighteen Thousand Seven Hundred Fifty only) in the name of Member Secretary, State Pollution Control Board, Odisha, vide Board's letter No. 7070, Dated 09.05.2024. However, no response has yet been received from you. Hence, you are once again directed to deposit the above compensation amount with the Board forthwith.

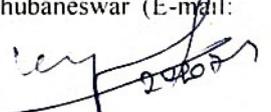
This may be treated Most Urgent.

Yours faithfully,


MEMBER SECRETARY

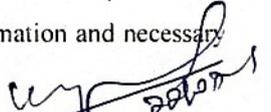
Memo No. 11157, Date 22.07.2024

Copy forwarded to the Deputy Director General of Forests (C), Integrated Regional Office, Ministry of Environment, Forest and Climate Change, A/3, Chandersekharpur, Bhubaneswar (E-mail: roez.bsr-mef@nic.in) for information and necessary action.


MEMBER SECRETARY

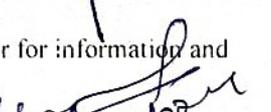
Memo No. 11158, Date 22.07.2024

Copy forwarded to the Collector and District Magistrate, Keonjhar for information and necessary action.


MEMBER SECRETARY

Memo No. 11159, Date 22.07.2024

Copy forwarded to the SLO (L-I) / Regional Officer, SPCB, Odisha, Keonjhar for information and necessary action.


MEMBER SECRETARY





ANNEXURE-R4/D

EPABX : 2561909/2562847
E-mail: paribesh1@ospcboard.org
Website: www.ospcboard.org

STATE POLLUTION CONTROL BOARD, ODISHA

[DEPARTMENT OF FOREST, ENVIRONMENT & CLIMATE CHANGE, GOVERNMENT OF ODISHA]
Paribesh Bhawan, A/118, Nilakantha Nagar, Unit - VIII
Bhubaneswar - 751 012, INDIA

No. 7067 /

IND-I-CON-2183

Date: 09.05.2024 /

To

Mr. Pankaj Verma, Scientist 'E'
Ministry of Environment, Forest and Climate Change,
(Impact Assessment Division-Non-Coal Mining),
Govt. of India, Indira Paryavaran Bhavan,
Jor Bag Road, Lodi Colony, New Delhi-110 003
E-mail: pankaj.verma@nic.in

Sub: Joint inspection report in the matter of OA No.173/2017/EZ (Ram Chandra Mahanta & Anr. Vs M/s Serajuddin & Co. & Ors... Reg.

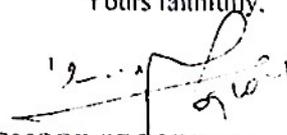
Ref: Order dated 21.04.2022 of Hon'ble National Green Tribunal, Special Bench.

Sir,

Pursuant to the orders dated 21.04.2022 of Hon'ble NGT in the matter of OA No.173/2017/EZ (Ram Chandra Mahanta & Anr. Vs M/s Serajuddin & Co & Ors. a joint inspection was carried out on 11.07.2022 by the joint committee constituted comprising of DFO, Keonjhar, Sub-Collector, Champua, Scientist-C from CPCB, Kolkata and Regional Officer, SPCB, Odisha, Keonjhar for assessment of environmental compensation. The Committee after the visit estimated the Environmental Compensation to be Rs.6,00,18,750/- (Rupees Six Crore Eighteen Thousand Seven Hundred Fifty only). The Joint Committee report was submitted on 01.08.2022 to the Registrar, NGT, Eastern Zonal Bench, Kolkata by the Collector and District Magistrate, Keonjhar. Copy of the report is enclosed for your kind information and necessary action.

Yours faithfully,

Encl: As above.


MEMBER SECRETARY

Memo No. 7068 . Date 09.05.2024 /

Copy forwarded to the Deputy Director General of Forests (C), Integrated Regional Office, Ministry of Environment, Forest and Climate Change, A/3, Chandrasekharpur, Bhubaneswar (E-mail: roez.bsr-mef@nic.in) for information and necessary action.

Encl: As above.


MEMBER SECRETARY

Memo No. 7069 . Date 09.05.2024 /

Copy forwarded to the Collector and District Magistrate, Keonjhar for information and necessary action.


MEMBER SECRETARY