

0.7.No.82/2024

Observations of Research Coordinator as per Rule 9, Form 4 of NGT Act, 2010

Letter Petition (Regn No.1964/LP/2023) dated 28.08.2023

Diary No. 1952-1971/LP/2023

Dated 26-29.08.2023

S. no	Issue raised	Significance	Suggested solutions
1	<p>Damage to the environment due to proposed expansion project by Tata steel Limited near Sona River, Baitarni River and Karo river in Joda circle (Kendujhor District, Odisha. The local villagers and community are directly reliant on the water resources of these rivers for livelihood, families, and local ecosystem. The proposed projects increase in water consumption, particularly from Sona River raises serious concern about potential depletion of their vital water sources. Villagers have witnessed large scale mining operation on rivers including decreased water level, altered water quality and loss of precious fish and other flora and fauna. The proposed expansion of the Iron Ore mining project of Tata Steel Limited is causing irreversible damage to National Parks or wildlife sanctuaries within a 10 km radius underscores the importance of the Karo Karam Pada Elephant Corridor, situated just 12.80 Km away. The Joda West Iron & Manganese Mine using the fully mechanized approach raising serious concerns about noise and air pollution disturbing the daily life of villagers.</p>	<p>Following matter has been considered by Tribunal in <i>Original Application No. 565/2022 dated 29.03.2023, Odisha</i> against industrial pollution at Joda Block of Keonjhar in Odisha. It is stated that river Suna is polluted as slurry pipe is being installed under the river bed of the said river for which heavy machinery is being used to dig up the river for transporting slurry of mines and minerals. Such a step will result in blockage of sewerage and riverine system due to continuous digging and disposal of industrial waste/slurry. Discharge of mineral/slurry will pollute Baitarani and other rivers. Through the iron pipes, there will be export of iron powder to Paradip Port Trust. The applicant has referred to media report dated 10.07.2019 and 12.08.2019 in Orissa Post. 2. Vide order dated 23.08.2022, considering the above, the Tribunal sought a factual report from a joint Committee of Regional Office, MoEF&CC, Bhubneshwar, CPCB, State PCB and District Magistrate, Keonjhar. 7. Laying of Iron Ore Slurry Pipe Lines at crossing of water bodies may have following impacts on water bodies & environment. i. Laying of Pipe Lines by Open Cut method, the excavated materials may likely to be washed out if adequate preventive measures are</p>	<p>Severity/significance of the environmental issue may be considered in case Copy of the application has been marked to National Green Tribunal. Application may be considered in view of a similar matter considered by Tribunal as referred.</p>

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not taken & it may lead to contamination & siltation problem in downstream. ii. Further any leakage from pipe line may lead to contamination of water bodies & surrounding land which may cause due to any accident or poor maintenance of the pipe line. iii. The water demand of such Pipe lines involve withdrawal of significant quantity of Water from Rivers which follows Once through Process & non-recyclable. Hence there will be strain on water bodies in downstream during Lean period.

1. Original Application No. 363/2022 dated 29.03.2023, Odisha. Grievance in this application is against industrial pollution at Joda Block of Keonjhar in Odisha. It is stated that river Sona is polluted as slurry pipe is being installed under the river bed of the said river for which heavy machinery is being used to dig up the river for transporting slurry of mines and minerals. Such a step will result in blockage of sewerage and riverine system due to continuous digging and disposal of industrial waste/slurry. Discharge of mineral slurry will pollute Baitarani and other rivers. Through the iron pipes, there will be export of iron powder to Paradip Port Trust. The applicant has referred to media report dated 30.07.2019 and 12.08.2019 in Orissa Post, 2. Vide order dated 23.08.2022, considering the above, the Tribunal sought a factual report from a joint Committee of Regional Office, MoEF&CC, Bhubaneswar, CPCB, State PCB and District Magistrate, Keonjhar. 3. As per report filed by the State PCB on 24.02.2023, the joint Committee visited the site and made observations and suggestions in the interest of environment. Operative part of the report is as follows:- "SALIENT FEATURES OF THE IRON ORE SLURRY PIPE LINE PROJECTS OF KEONJHAR DISTRICT The details of different slurry pipelines operating & under construction for conveying iron ore fines from Keonjhar to different parts of Odisha in slurry form are as follows: Sl. No. Name of the Slurry Pipeline Projects Length of Pipeline in Km Dia (Ø) of pipe in inch Project Status Water Demand in Casesecs. Water Source Clearance status CTE/CTO/WR. Department No. of crossings at Rivers/ water bodies Leakages if any reported. 1. Barambani River Pellets Ltd., Tamo, Bhadrakala, Barbil, Keonjhar 112 (Tamo to Kalinga Nagar) 13.00" Operating (Since June 2013) 4.70 Kamrup Barambani River WR, Permission dtd 24.06.2010, CTO valid up to 31.03.2025 12 nos On 09.07.2021 (Near Sona River Joda) 2. Anzeel Mittal Nippon Steel India Ltd, Dabuna, Joda 253 (Dabuna to Paradeep) 20.00" Operating (Since January 2014) 11.77 Barambani, Barambani River WR, Permission dtd 24.12.2009, CTO valid up to 31.03.2025 29 nos Nil 3. Hindal Steel & Power Ltd, Soralidi, Barbil 202 (Barbil to Anuguly) 26.00" Under construction 13.00 C/S of Kamrup Reservoir, Barambani River WR agreement dtd 23.06.2009 CTE granted dtd. 07.01.2022 64 nos Yet to commission 4. JSW Steel Ltd, 301 (Joda to Paradeep) 12.00" Under Construction 79.00 C/S of Kamrup Reservoir, Barambani River WR approval dtd 29.09.2022 CTE granted dtd. 23.11.2017 57 nos Yet to commission Observations: 1. The iron ore slurry pipeline projects are coming under Green categories as notified by the SPCB, Odisha vide office order no. 8333/Ind-f-Con-1505, dtd 11.7.2008. 2. River, Stream, Nallah & Other water bodies crossing permission are given by Water Resource Department, Govt. of Odisha & in Keonjhar district, it is the Chief Engineer & Basin Manager, Barambani Basin. 3. Details of permission given by Water Resources Department for River crossing & water withdrawal from Barambani River are highlighted in above table. 4. The two operating iron ore slurry pipeline of BHP & AMNS are commissioned in 2013 & 2014 respectively & crossed major Rivers & streams at many places. During visit to some of river crossing site of those pipe lines, no visible path (Right of way) of Pipe lines was observed as the path was not demarcated. Neither any obstruction of water course, nor any adverse impact was observed at crossing sites. 5. As per WR Department agreement with the Project proponent, Slurry Pipe Lines are normally laid at about 5m and more below the River bed (Securing depth) at crossing site. 6. WR Department has approved HEDU technology for the Slurry pipe lines while crossing of water bodies. In case HEDU is not practicable than any other methods with due approval can be followed but not open cut method. 7. Laying of Iron Ore Slurry Pipe Lines at crossing of water bodies may have following impacts on water bodies & environment. i. Laying of Pipe Lines by Open Cut method, the excavated materials may likely to be washed out if adequate preventive measures are not taken & it may lead to contamination & siltation problem in downstream. ii. Further any leakage from pipe line may lead to contamination of water bodies & surrounding land which may cause due to any accident or poor maintenance of the pipe line. iii. The water demand of such Pipe lines involve withdrawal of significant quantity of Water from Rivers which follows Once through Process & non-recyclable. Hence there will be strain on water bodies in downstream during Lean period. So the slurry pipe line companies are to make separate

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arrangements for lean period by constructing their own reservoirs. 8. To avoid Leakage & for Leak detection, Pipe lines operators adopted following practices to minimize the adverse impact on surroundings: i. Cathodic Protection method to decrease corrosion & increase the life of Pipe line. ii. Pressure drop techniques with optical fibers through Supervisory Control And Data Acquisition (SCADA). iii. Encapsulation of the Pipe with concrete and below River bed as additional protective measures at River Crossings. In view of the above observation, allegations made by the petitioner could not be established. However, the committee recommends following action Plan for Environmental friendly operation of Iron Ore Slurry Pipe Lines. 1. Water Resource Department should ensure that Iron Ore Slurry Pipe Line Projects should strictly follow the approved methods of River/Stream crossing & any violation may be reported for necessary action by appropriate authority. 2. Water Resource Department should ensure the Environmental flow in all streams/Rivers/Nallahs during lean period & water allocation on priority basis as per State Water Policy while granting Water withdrawal permission to such projects. 3. Project Proponent has to implement advance Leak detection Technologies for Slurry Pipe Line projects to take immediate corrective measures in case of leakages to minimize adverse impacts on surroundings. 4.4. The Slurry Pipe Line Project integrated with Return Water Pipe Line may be considered as alternative for water scarcity areas. 4. In view of above, further action be taken by the concerned Project Proponents and Departments, which may be overseen by the State PCB and District Magistrate, Kolhapur. The application is disposed of. A copy of this order be forwarded to the State PCB and District Magistrate, Kolhapur by email for compliance.

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Pratima Akolkar
Research Co-ordinator (NGT)
24.11.2023

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Date:09.08.2023

To

1. Member Secretary State Pollution Control Board, Bhubaneswar, Odisha-751012
2. Secretary Ministry of Environment Forest and Climate Change New Delhi-110003
3. Collector and District magistrate, Keonjhar, Odisha-758001
4. Regional Officer State Pollution Control Board Keonjhar Region, Keonjhar, Odisha-758001
5. National Green Tribunal Faridkot House, Copernicus Marg, New Delhi-110001
6. National Commission for Scheduled Tribes(HQ), 6th Floor, B-Wing, Loknayak Bhavan, Khan Market New Delhi-110003.
7. Chief Secretary Govt. of Odisha General Administration Department, Odisha Secretariat Bhubaneswar-751001

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Subject: Objection to Proposed Expansion Project Benefits by Tata Steel Limited

We undersigned writing to express our Grievance petition / concerns and objections regarding the proposed expansion project by Tata Steel Limited (TSL) in Joda circle (Kendujhar District) that is said to bring about significant social and economic upliftment to the local community. While the project's benefits, as outlined in various CSR activities, may appear promising on paper, there is a growing apprehension among the local populace about the actual impact it will have on the lives of all families living here since birth.

The existing operations of Tata Steel Limited have provided employment opportunities for a substantial number of local residents, both directly and indirectly, enabling us to earn our livelihoods. The company's forthcoming Public Hearing is scheduled tomorrow 10.08.2023 and we are not allowed to participate the public hearing and give our opinion and grievance for expansion project claims to offer further avenues for indirect income generation, thus elevating the economic condition of our community. However, it is imperative to consider that the translation of these promises into tangible benefits requires rigorous scrutiny.

The CSR activities laid out by TSL, encompassing sectors such as education, healthcare, sustainable livelihood, water and sanitation, rural infrastructure development, sports, and empowerment, are indeed commendable. Nevertheless, it is essential to evaluate whether these initiatives will genuinely deliver the intended outcomes or if they risk remaining mere commitments confined to paper.

Local communities have witnessed instances where grand promises on paper have not been matched by corresponding on-ground realities. Therefore, it becomes vital for the administrative department and the National Commission to thoroughly assess the potential positive and negative impacts of the proposed expansion project. This evaluation should extend beyond the cosmetic benefits that may be highlighted and delve into the long-term implications for the community's socio-economic fabric, environment, and overall well-being.

We, the undersigned members of the local community, also express our deep concern and objection regarding the proposed expansion project by Tata Steel Limited near the Sona River, Baitarani River, and

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Karo River. We are the local villagers and community directly reliant on the water resources of these rivers for our livelihoods, families, and local ecosystem, we believe it is our responsibility to voice our concerns.

Water is the lifeline of our families and the surrounding ecosystem. The proposed project's increase in water consumption, particularly from the Sona River, raises serious concerns about the potential depletion of these vital water sources. We have witnessed firsthand the consequences of large-scale mining operations on our rivers, including decreased water levels, altered water quality, and the loss of precious fish and other flora and fauna that are essential to our ecosystem.

The projected increase in water requirement from 250 KLD to 350 KLD, combined with the seepage estimation from the Tata steel limited mining quarry, could significantly impact the water availability of the Sona River and its tributaries. This not only threatens our access to clean water but also poses a severe threat to the diverse aquatic life that relies on these water bodies for survival.

The projected overburden generation of 8.2 million m³ during the expansion phase is a matter of great concern to us. Such a large-scale disturbance of the land and ecosystem could lead to irreparable damage to our environment, including loss of biodiversity, disruption of natural waterways, and degradation of air quality. Furthermore, the ultimate mining depth of 120 m raises questions about the stability of the surrounding geological structures and potential risks to the safety of our homes and livelihoods.

We the local villager vehemently object to the proposed expansion of the iron ore mining project of Tata Steel Limited within our community. The absence of National Parks or Wildlife Sanctuaries within a 10 km radius underscores the importance of the Karo Karam Pada Elephant corridor, situated just 12.80 km away. Disturbingly, this corridor serves as a vital passage for elephants and a critical component of our ecosystem. The documented instances of elephant deaths and disturbances in the area highlight the potential devastating impact of this expansion. Neglecting these concerns could result in irreversible damage to our environment and wildlife. We all local villagers urge a comprehensive evaluation of the environmental and wildlife consequences by involve experts and stakeholders before making any decisions. The long-term well-being of our ecosystem must supersede short-term gains. It's critical to emphasize that there have been recorded instances of elephant deaths and disturbances in the area, which should not be taken lightly. These incidents are not isolated; they point towards the broader consequences that unchecked development could have on the environment and wildlife. The data collected from surveys and records support the fact that the expansion could worsen the situation, leading to a potential decline in the elephant population and further damage to the environment.

We, the local villagers residing near the Joda West Iron & Manganese Mine, hereby raise our strong objection to the ongoing mining activities conducted at the aforementioned site. While we understand the economic significance of such operations, we are deeply concerned about the potential adverse impacts it might have on our community and our environment. Firstly, the method of mining utilizing a fully mechanized approach and the excavation through the shovel-dumper combination raises serious concerns about noise and air pollution. The operation of heavy machinery, particularly during blasting,

has already been affecting the tranquility of our surroundings, making it difficult for us to lead peaceful lives. Additionally, the maintenance of the mine's bench a...angle at 850 (max) and overall pit slope at 350 (max) has implications for the stability of the area. Such steep angles could potentially lead to land degradation, soil erosion, and even landslides, putting both our homes and agricultural lands at risk. We urge the authorities to consider these geological and ecological concerns seriously. The transportation of finished ore, with the need for requisite transit permits, poses potential risks in terms of road safety and an increase in heavy vehicle traffic in our locality. This has lead to road accidents, road degradation, and disturbances to our daily lives.

With utmost respect, we humbly present our grievance petition before you, seeking your intervention in a matter of great significance. We are deeply troubled by a recent incident involving a public hearing that was orchestrated without our knowledge or consent. The officers involved cleverly designed this event, exploiting our lack of information and understanding, which has resulted in severe repercussions for our livelihoods.

We beseech the Commission to consider our plea earnestly and impartially. We believe that justice and fairness lie at the core of your esteemed institution's values, and we implore you to review the circumstances surrounding the public hearing that has caused irreparable damage to our means of sustenance. Your intervention can restore our faith in the system and provide us with the opportunity to rebuild what has been unjustly taken away from us.

May your wisdom guide our local villagers and community and the families belong to Schedule caste and schedule tribe. National Commission for Schedule Caste and Tribe community assessing the situation and dispensing the rightful remedy for our grievances and voice may be the right forum to get justice. We are hopeful that the Commission will champion the cause of justice and ensure that the rights and interests of the marginalized are protected.

With unwavering faith,

Soubhmini Naik
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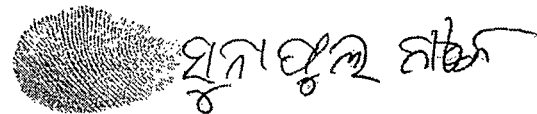
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Benita Naik
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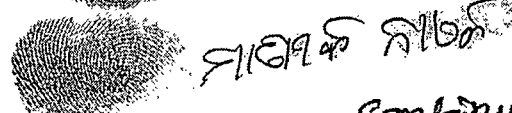
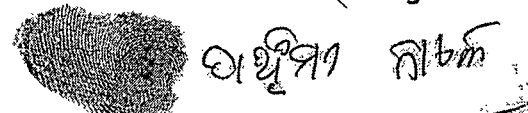


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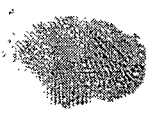
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Basanti Nayak
Subhana Naik

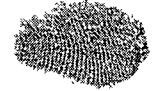
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Sudhanshu Sekhar Naik
Gurubani Naik

 Koushna Naik

 Gita Barla

Ananda Naik

~~Nirasha Das~~

Badal Naik

Debjani Naik

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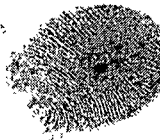
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Amar Naik

Aparajita Naik

Ranjita Naik


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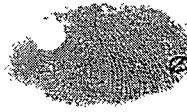
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Jitendra Naik

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 Anandhi Naik
Babasaheb Naik


Rajeshwari Naik
Ganesh Naik

 Anandhi Naik

Lili Naik
Sasmita Naik

 Labang Naik


 Anandhi Naik

 Parvati Naik
Parvati Naik

Gopabandhu Naik

Pratap Naik

Pratap Naik

 Kajanta Naik
Kajanta Naik

Rakha Naik

Item No.10

(Court No.2)

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.**

(Through Physical Hearing with Hybrid VC Option)

Original Application No. 82/2024

Soudamini Naik & Ors.

...Applicants

Versus

State of Odisha & Ors.

...Respondents

Date of hearing: 02.05.2024

**CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER.
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER.**

Applicants: None for the Applicants.

Application is registered based on a letter petition received by post.

ORDER

1. Mr. Soudamini Naik and others have sent by post the present letter petition to this Tribunal, which has been treated and registered as O.A. No. 82/2024.
2. The relevant part of the letter petition enumerating grievances of the applicants is reproduced as follows:-

"Subject: Objection to Proposed Expansion Project Benefits by Tata Steel Limited

We undersigned writing to express our Grievance petition / concerns and objections regarding the proposed expansion project by Tata Steel Limited (TSL) in Joda circle (Kendujhar District) that is said to bring about significant social and economic upliftment to the local community. While the project's benefits, as outlined in various CSR activities, may appear promising on paper, there is a

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Local communities have witnessed instances where grand promises on paper have not been matched by corresponding on-ground realities. Therefore, it becomes vital for the administrative department and the National Commission to thoroughly assess the potential positive and negative impacts of the proposed expansion project. This evaluation should extend beyond the cosmetic benefits that may be highlighted and delve into the long-term implications for the community's socio-economic fabric, environment, and overall well-being.

We, the undersigned members of the local community, also express our deep concern and objection regarding the proposed expansion project by Tata Steel Limited near the Sona River, Baitarani River, and Karo River. We are the local villagers and community directly reliant on the water resources of these rivers for our livelihoods, families, and local ecosystem, we believe it is our responsibility to voice our concerns.

Water is the lifeline of our families and the surrounding ecosystem. The proposed project's increase in water consumption, particularly from the Sona River, raises serious concerns about the potential depletion of these vital water sources. We have witnessed firsthand the consequences of large-scale mining operations on our rivers, including decreased water levels, altered water quality, and the loss of precious fish and other flora and fauna that are essential to our ecosystem.

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We, the local villagers residing near the Joda West Iron & Manganese Mine, hereby raise our strong objection to the ongoing mining activities conducted at the aforementioned site. While we understand the economic significance of such operations, we are deeply concerned about the potential adverse impacts it might have on our community and our environment. Firstly, the method of mining utilizing a fully mechanized approach and the excavation through the shovel-dumper combination raises serious concerns about noise and air pollution. The operation of heavy machinery, particularly during blasting has already been affecting the tranquility of our surroundings, making it difficult for us to lead peaceful lives. Additionally, the maintenance of the mine's bench a...angle at 850 (max) and overall pit slope at 350 (max) has implications for the stability of the area. Such steep angles could potentially lead to land degradation, soil erosion, and even landslides, putting both our homes and agricultural lands at risk. We urge the authorities to consider these geological and ecological concerns seriously. The transportation of finished ore, with the need for requisite transit permits, poses potential risks in terms of road safety and an increase in heavy vehicle traffic in our locality. This has lead to road accidents, road degradation, and disturbances to our daily lives.

With utmost respect, we humbly present our grievance petition before you, seeking your intervention in a matter of great significance. We are deeply troubled by a recent incident involving a public hearing that was orchestrated without our knowledge or consent. The officers involved cleverly designed this event, exploiting our lack of information and understanding, which has resulted in severe repercussions for our livelihoods.

We beseech the Commission to consider our plea earnestly and impartially. We believe that justice and fairness lie at the core of your esteemed institution's values, and we implore you to review the circumstances surrounding the public hearing that has caused irreparable damage to our means of sustenance. Your intervention can restore our faith in the system and provide us with the opportunity to rebuild what has been unjustly taken away from us. May your wisdom guide our local villagers and community and the families belong to Schedule caste and schedule tribe. National Commission for Schedule Caste and Tribe community assessing the situation and dispensing the rightful remedy for our grievances and voice may be the right forum to get justice. We are hopeful that the

Commission will champion the cause of justice and ensure that the rights and interests of the marginalized are protected."

3. *Prima facie* the averments made in the application raise substantial questions relating to environment arising out of the implementation of the enactments specified in Schedule-I to the National Green Tribunal Act, 2010.

4. In view of the averments in the application, we consider it appropriate to have response of (1) State of Odisha through Chief Secretary, Government of Odisha, (2) District Magistrate, Keonjhar, and (3) Odisha State Pollution Control Board, (4) the Project Proponent- M/s Tata Steel Ltd. Joda Circle Keonjhar who stand impleaded as respondents No. 1 to 4. The Registry is directed to prepare and attach memo of parties to the application and issue notices to respondents No. 1 to 4 requiring them to file their replies/responses within two months at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF.

5. Even though in the present case cognizance has been taken by this Bench on the basis of letter petition received by post with approval and assignment under order of Hon'ble Chairperson, but in view of the facts and circumstances of the case including the fact that the place of accrual of cause of action lies within jurisdiction of the Eastern Zone Bench of this Tribunal at Kolkata, we are of the considered view that it will be appropriate if the case is further heard by the Eastern Zone Bench of this Tribunal at Kolkata.

6. Accordingly, the Registry is directed to list the matter before the Eastern Zone Bench of this Tribunal at Kolkata on 18.07.2024 after obtaining orders from Hon'ble the Chairperson for transfer of the case.

7. Replies/responses be filed by the respondents within two months before the Eastern Zone Bench of this Tribunal at Kolkata by email ngtjudicial-kolkata@gov.in preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

May 02nd, 2024
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