

1470

BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA

Interlocutory Application No. 67 of 2024

arising out of

Original Application No. 44 of 2023/EZ

BETWEEN

Rakesh Shrivastava

...Petitioner

AND

Bihar Foundry and Castings Limited & Ors.

... Respondents

**APPLICATION FOR ISSUING APPROPRIATE DIRECTIONS TO THE
RESPONDENT NO. 1 FOR PRODUCTION OF DOCUMENTS**



Filed by:

ANUBHAV KHASTAGIR

Advocate

C/O Mr. Sarathi Dasgupta, Advocate

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Email Id: anubhavkhastagir.kol@gmail.com

Enrolment No. F/200/367/2023

7/1/2024

BEFORE THE LEARNED NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH

Interlocutory Application No. _____ of 2024

Original Application No. 44 of 2023

BETWEEN

Rakesh Shrivastava

...Applicant/Petitioner

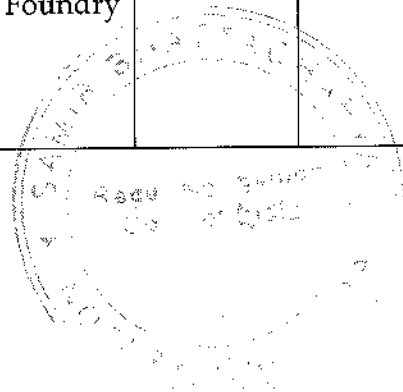
-VERSUS-

Bihar Foundry & Castings Ltd. & Ors.

... Respondents

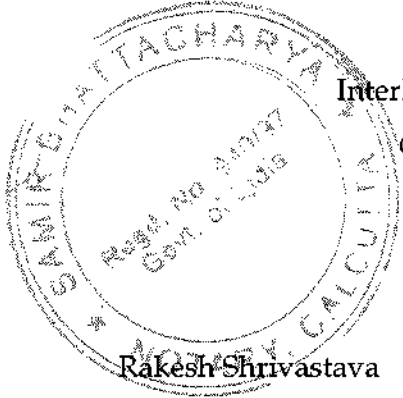
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3.	Photocopies of the data showing that there is substantial increase in the year-wise production of slag by M/s. Bihar Foundry & Castings	P/2	11-18



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BEFORE THE LEARNED NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH



Interlocutory Application No. _____ of 2024

Original Application No. 44 of 2023

BETWEEN

Rakesh Shrivastava

...Applicant/Petitioner

-VERSUS-

Bihar Foundry & Castings Ltd. & Ors.

... Respondents

**APPLICATION FOR ISSUING APPROPRIATE DIRECTIONS TO THE
RESPONDENT NO. 1 FOR PRODUCTION OF DOCUMENTS**

The humble application on
behalf of the applicant,

MOST RESPECTFULLY SHEWETH: -

1. That the subject Original Application has been filed raising issues with respect to severe violation of the environment protections norms carried out by the Respondent No. 1 while running its ferro-alloy unit.

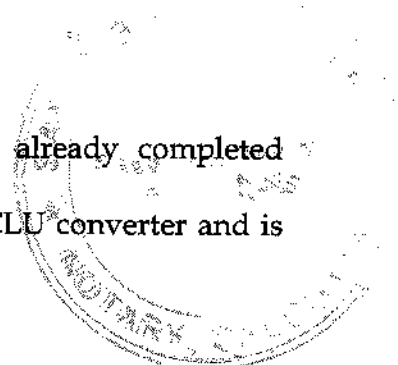
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2. That the complete facts of the case are laid out in the said Original Application and other submissions filed by the Applicant herein and therefore, the same are not being repeated for the sake of brevity. It is, however, requested that the instant application maybe read with other submissions made by the Applicant in the instant case for its adjudication.

3. That it is humbly submitted that the Applicant has already submitted documents to show that the Respondent no. 1 is operating its ferro-alloy plant with expanded capacity even when it has not obtained environment clearance for the same. The CLU converter of Respondent No. 1 is a heavy polluting unit and the same is installed and being operated without there being any prior environment clearance for running it.

4. That the Respondent No. 1 has even started supplying products from its CLU converter to PSUs' (SAIL, etc.) without disclosing the fact that such unit is installed without prior environment clearance. A photocopy of the work order dated 01.09.2023 issued to the respondent no. 1 has been annexed hereto and marked as "ANNEXURE P/1".

5. That the fact that the Respondent No. 1 has already completed expansion of its ferro alloy unit and has established a CLU converter and is



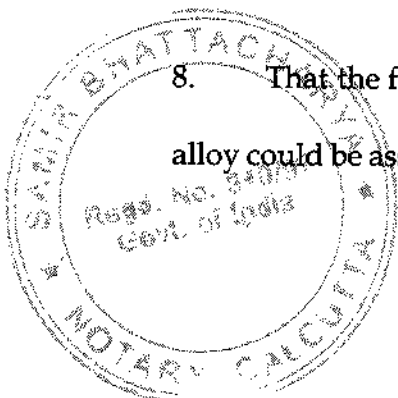
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operating the same can also be assessed from the GST data showing supply of goods being made from the ferro-alloy plant of the Respondent No. 1.

6. That it is submitted that the Applicant has obtained information from various credible sources that apart from supplying products to SAIL, the Respondent No. 1 is also supplying products from its CLU converter to JSW and is even exporting its products. This shows that the Respondent No. 1 is continuously operating its polluting units without any checks and balances due to which the already critically polluted Ramgarh area is further being severely polluted.

7. It is however submitted that since the GST data are not available for public access, the Applicant herein is unable to furnish such data before the Learned Tribunal. However, the it is humbly submitted that the Learned Tribunal may exercise it inherent powers and direct the Respondent No. 1 to produce the GST data pertaining to its ferro-alloy plant for the FY 2022-23 and FY 2023-24 so that same can be relied upon to ascertain the actual illegal production done by Respondent No. 1 in its ferro-alloy plant.

8. That the fact that the Respondent No. 1 is supplying low carbon ferro-alloy could be assessed from its GST data and it is submitted that such product



✕

cannot be produced in any unit apart from the one possessing a CLU converter, which is also provided in the pre-feasibility report filed by Respondent No. 1 while seeking environment clearance for carrying out expansion in its ferro alloy unit. Photocopies of the data showing that there is substantial increase in the year-wise production of slag by M/s. Bihar Foundry & Castings Limited has been annexed hereto and marked as "ANNEXURE P/2".

9. That the Applicant herein has already provided the environment statement filed by Respondent No. 1 showing abnormal increase in production of slag (slag production in FY 2022-23 doubled as compared to previous 5 years) which shows that the production has increased substantially which can only happen if the Respondent No. 1 has illegally expanded its ferro-alloy unit without obtaining environment clearance. The GST data of Respondent No. 1 along with the sale invoice for products sold and invoices for raw materials purchased by the Applicant will enable the Learned Tribunal to ascertain the exact amount of production being done by the Respondent No.1 and same can be relied upon to assess the violations being done by the Respondent No.1 while running its ferro alloy plant.

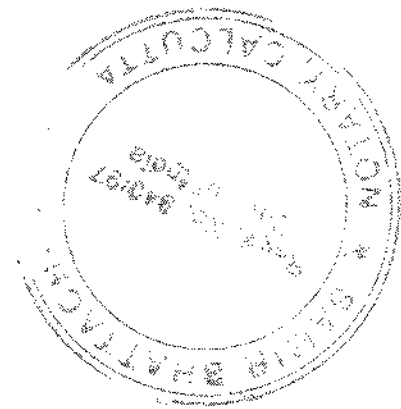


In light of the aforesaid facts and circumstances, it is most humbly

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prayed that the Learned Tribunal be pleased to: -

- i) To direct the Respondent No. 1 to produce the GST data showing supply of goods by its ferro-alloy unit during the FY 2022-23 and 2023-24;
- ii) To direct the Respondent No. 1 to produce the sale invoice of the products sold by it from its ferro-alloy unit;
- iii) To direct the Respondent No. 1 to produce the purchase invoice for the raw materials procured by it for its ferro-alloy unit;
- iv) To pass any such order and/or direction as the Learned Tribunal may deem fit in the interest of justice



And for this act of kindness, your applicant, as in duty bound, shall ever pray.

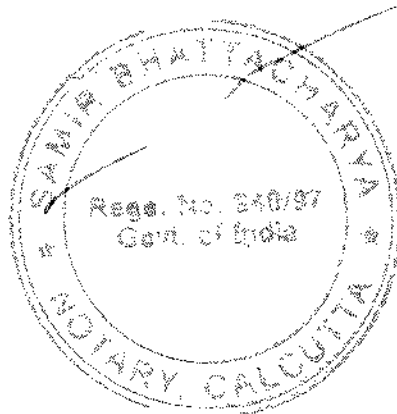
X

AFFIDAVIT

I, Rakesh Shrivastava, son of late Brijraj Shrivastava, aged about 50 years, by faith - Hindu, residing at H No. 308, near Durga Mandir Tilli, Sagar. (M.P.), Pin Code: 470009, do hereby solemnly state and affirm as follows:

1. That I am the applicant in the O.A. No. 44/2023/EZ and I am fully conversant with the facts and circumstances of this case.
2. That the statements made in paragraphs 1 to 6 in this application are true to the best of my knowledge and the rest are my submissions before this Learned Tribunal.

Identified by me,
Anubhaukhostogi
 Advocate
 F/200/367/2023



Rakesh
 DEPONENT

Solemnly Affirmed and
 Declared before me U/S 139
 CPC, U/S 297 (C) CrPC

Samir Bhattacharya
 Notary Govt. of India
 Regd. No. 240 / 97
 CITY CIVIL COURT, CALCUTTA

04.9.24 Notary

01-SEP-2024

1479

Designation | पद : -
 Email ID | ईमेल आईडी : con2.sail.rourkela@gembuyer.in
 Contact | संपर्क : 0661-2448362-
 GSTIN | जीएसटीआईएन : -
 Address | पता : OFFICE OF GM I/C (STORES & INSPECTION), CENTRAL STORES,
 SAIL ROURKELA STEEL PLANT,
 SUNDERGARH, ODISHA-769011, India

Low Carbon Ferro
 Manganese

10,000

01-Sep-2023

30-Dec-2023

Product Specification for Low Carbon Ferro Manganese

Specification विनिर्देश	Sub-Spec उप-विनिर्देश	Value मूल्य
Custom Specification	Custom Specification	Yes

Seller Specification Document | विक्रेता विशिष्टता दस्तावेज़:

1. SpecificationDocument1	mkp.gem.gov.in/catalog_data/catalog_support_document/B1/02/766/CatalogAttrs/SpecificationDocument/2023/7/26/2023_07_26_13_30_25_sail_rsp_spec_t_c_2023-07-26-13-30-45_59b464a221717555cf5d1d12ed0d3bc1.pdf
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Buyer Specification Document | खरीदार विशिष्टता दस्तावेज़:

1. DrawingDocument	mkp.gem.gov.in/catalog_data/catalog_support_document/buyer_documents/1506637/54/78/703/CatalogAttrs/DrawingDocument/2023/7/14/integrity_pact_2023-07-14-15-18-08_ddea23139eb50bf4cefeffa144af91c.pdf
2. SpecificationDocument	mkp.gem.gov.in/catalog_data/catalog_support_document/buyer_documents/1506637/54/78/703/CatalogAttrs/SpecificationDocument/2023/7/14/custom_bid_2023-07-14-15-18-08_42d7898374b18cb2299974f74a189ffc.pdf

ePBG Detail | ईपीबीजी विवरण

Advisory Bank सलाहकार बैंक :	NA
ePBG Percentage(%) ईपीबीजी प्रतिशत (%) :	NA

General Clauses w.r.t RCM/FCM | आरसीएम/एफसीएम के संबंध में सामान्य खंड

- Where ever RCM is applicable, for sellers (Regular GST registered seller who opted out of FCM as per notifications of GST like GTA , unregistered seller), Buyer have liability of paying the GST and GST cess to the government on the specified rate mentioned by them in this contract. Seller will invoice buyer with Zero GST and GST cess.
- For Registered sellers as per FCM, rates will be inclusive of prescribed rate of GST and GST cess. ITC available to buyer as shown in the bid document have been applied while evaluating the bids. Seller has liability of paying the GST and GST cess to the govt and same will be charged from buyer while invoice.
- For Registered sellers who opted for RCM while quoting for specified category under section 9(3) like GTA rates will be exclusive of GST and GST cess. GST and GST cess as indicated by the buyer in the bid document payment of GST and GST Cess will be the liability of buyer.
- For Unregistered sellers Liability of payment of GST and GST cess is in Buyers scope. GST and GST cess as indicated by the buyer in the bid document will be the liability of buyer . Unregistered seller will invoice buyer with zero GST and Zero GST cess.
- For sellers under Composition Scheme: There is no liability of payment of GST and GST cess in Buyers cope. Seller will invoice Zero GST and GST cess In the invoice to buyer.

Terms and Conditions | नियम और शर्तें

1. General Terms and Conditions-

- 1.1 This contract is governed by the General Terms and Conditions, conditions stipulated to this Product/Service as provided in the Marketplace.
- 1.2 This Contract between the Seller and the Buyer, is for the supply of the Goods and/ or Services, detailed in the schedule above, in accordance with the General Terms and Conditions (GTC) unless otherwise superseded by Goods / Services specific Special Terms and Conditions (STC) and/ or BID/Reverse Auction Additional Terms and Conditions (ATC), as applicable

2. Buyer Added Bid Specific Terms and Conditions-

2.1 Generic

OPTION CLAUSE: The Purchaser reserves the right to increase or decrease the quantity to be ordered up to 25 percent of bid quantity at the time of placement of contract. The purchaser also reserves the right to increase the ordered quantity by up to 25% of the contracted quantity during the currency of the contract at the contracted rates. Bidders are bound to accept the orders accordingly.

2.2 Scope of Supply:

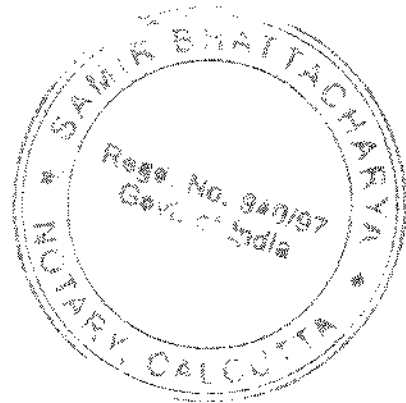
Scope of supply (Bid price to include all cost components) : Only supply of Goods

Note: This is system generated file. No signature is required. Print out of this document is not valid for payment/ transaction purpose.

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नोट: यह सिस्टम जनरेटेड फाइल है। कोई हस्ताक्षर की आवश्यकता नहीं है। इस दस्तावेज़ का प्रिंट आउट भुगतान/लेनदेन प्रणाली के लिए मान्य नहीं है।

1480



Ref: BFCL/ENV/2023/40

Dated: 16.08.2023

To,
The Member Secretary
Jharkhand State Pollution Control Board
T.A. Division Building (Ground Floor)
HEC, Dhurwa, Ranchi-834004

Sub: Submission of Environmental Statement (Form V) of M/s Bihar Foundry & Castings Limited, Ferro Alloys Unit for the Period of 2022-2023.

Ref: (i) Environmental Clearance Letter No. - J-11011/384/2010-IA. II (I) Dated: 31.01.2011
(ii) Consent to operate Letter No. JSPCB/HO/RNC/CTO 4412165/2020/1819 dated 10/11/2020 & amendment CTO JSPCB/AUTO-RENEW/CTO/15367225/1341 dated 23.01.2023


Dear Sir,

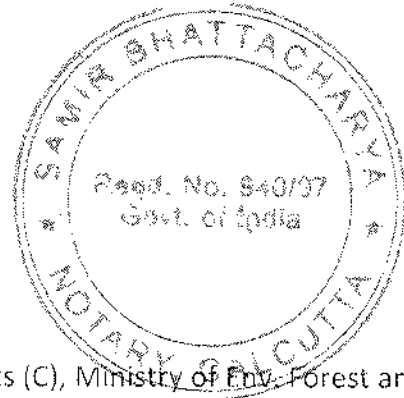
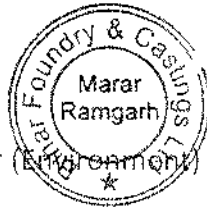
With reference to the above we are hereby submitting the environment statement (Form v) of M/s Bihar Foundry & Castings Limited, Ferro Alloys Unit for the period of 2022-2023.

This is for your perusal and necessary record

Thanking You,

Sincerely Yours,
For, Bihar Foundry & Castings Limited
Ferro Alloys Unit


(B. K. Gupta)
General Manager (Environment)



Encl. As Above.

Copy To:

1. The Addl. Principal Chief Conservator of Forests (C), Ministry of Env. Forest and Climate Change, Regional Office (ECZ), Bunglow No. A-2, Shyamali Colony, Ranchi- 834002.
2. The Regional Officer, Jharkhand State Pollution Control Board P.T.C Chowk, matwari Road, Dist- Hazaribagh.

Bihar Foundry & Castings Limited

Works :- Ramgarh Industrial Area, P.O.- Marar, Dist.- Ramgarh, Jharkhand - 829117.

Registered Office :- Main Road, Ranchi, Jharkhand - 834001.

CIN No :- U27100JH1971PLC000912 & GST No :- 20AABC81852D1Z1

Ranchi - 8825379408, 9523097635 / Ramgarh - 9934012660, 7033698983, Email :- bfcigfa@gmail.com

FORM V
(see rule 14)

Environmental Statement for the financial year ending on 31st March 2023

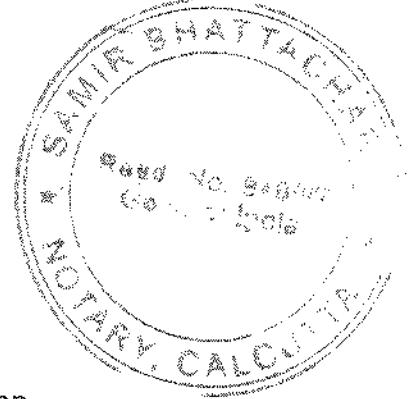
PART – A

- (i) Name and address of the owner / occupier of the industry operation or process : Mr. Gaurav Budhia (Director)
Bihar Foundry & Castings Limited ,
Ferro Alloys Unit.
Plot No. 1405, Ramgarh Industrial Area,
Village & PO – Marar
Dist- Ramgarh, Jharkhand- 829117
- (ii) Industry Category Primary (SIC Code) : Primary metallurgical industry & Red

(iii) Production capacity – Units :

Unit	Capacity
Ferro Alloys Silico / Manganese	96 TPD

- (iv) Year of establishment : 01.06.2014
- (v) Date of last environmental statement submitted : 06.09.2022



PART – B

Water and raw material consumption

1. Water consumption m³/day :

Purpose	Ferro Alloys Plant	Total (m3/day)
Process & Cooling	25	25
Total for Domestic use & other	10	10



S. No.	Unit	Name of products	Process water consumption per unit of product output	
			During the current financial year 2021-22	During the current financial year 2022-23
1	Ferro Alloys	Ferro Manganese / Silico Manganese	0.700 m ³	0.701 m ³

2. Raw material consumption:

Units	Name of products	Name of raw materials	Consumption of raw material per unit of output	
			During the current financial year 2021-22	During the current financial year 2022-23
Ferro Alloys	Ferro Manganese/ Silico Manganese	Manganese Ore	2.347 MT	1.70 MT
		Coke (Imported)	0.25 MT	0.30 MT
		Coal (Imported)	0.45 MT	0.32 MT
		Quartzite	0.004 MT	0.10 MT
		Carbon Electrode Paste	0.015 MT	0.02 MT
		Dolomite Chips	-	0.005 MT
		High Mno Slag	-	0.75 MT
		Mn Sinter	-	0.40 MT
	Sand Stone	-	0.0004	

PART - C

Pollution discharged in to environment

(Parameter as specified in the consent issued)

(1)	Pollutants	Name of source	Quantity of pollutants discharged (Kg / day)	Concentrations of pollutants in discharged (mass/volume)	Percentage of variation from prescribed standers with reasons
(a)	Water	-	-	-	ZLD
(b)	Air	Stack 1 of SAF (3 & 4)	44.78	23.1	Complied
		Stack 2 of SAF (1 & 2)	40.19	21.8	



PART – D
HAZARDOUS WASTES

(As specified under the Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016)

Hazardous Waste	Waste Type	During the current financial year 2021-22	During the current financial year 2022-23
• From Process	Used oil	0.175 KL	0.18 KL
• b) From pollution control facilities	-	NA	NA

Hazardous waste disposal - Used oil being disposed in house for plant machinery lubrication.

PART – E
SOLID WASTES

		Total quantity (MT)	
		During the current financial year 2021-22	During the current financial year 2022-23
a) From Process	Ferro Manganese Slag	24631.500 MT	54943.090 MT
b) From pollution control facilities	Fume Extraction system with Bag Filters		
c) (1) Quantity recycled or re-utilized within the unit			
(2) Sold	Ferro Manganese Slag	24631.600 MT	54943.090 MT
(3) Disposed			

PART – F

Please specify the characterization (in terms of composition and quantum) of hazardous as well as solid wastes and indicate disposal practice adopted for both these categories of waste.



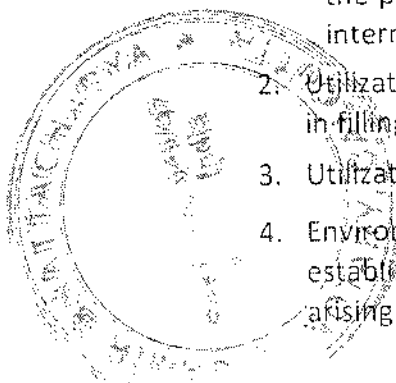
Slag Test Report

S. No	Parameter	Unit	Results (Ferro Slag)	Results (Silico Slag)
1.	Arsenic (As)	mg/l	BDL (MDL 0.003)	BDL (MDL 0.003)
2.	Cadmium (Cd)	mg/l	BDL (MDL 0.02)	BDL (MDL 0.02)
3.	Total Chromium (Cr)	mg/l	0.31	0.19
4.	Cobalt (Co)	mg/l	0.24	0.05
5.	Copper (Cu)	mg/l	0.04	0.01
6.	Lead (Pb)	mg/l	BDL (MDL 0.02)	BDL (MDL 0.02)
7.	Manganese (Mn)	mg/l	3.63	9.46
8.	Mercury (Hg)	mg/l	BDL (MDL 0.003)	BDL (MDL 0.003)
9.	Nickel (Ni)	mg/l	0.34	0.14
10.	Zinc (Zn)	mg/l	0.29	0.06
11.	Iron (Fe)	mg/l	9.72	14.10

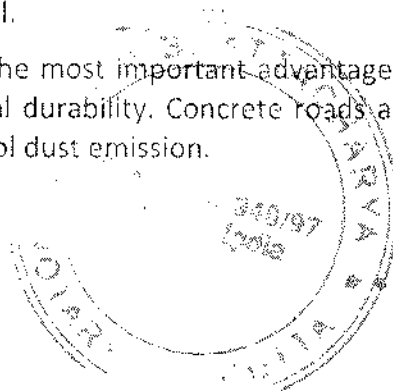
PART – G

Impact of the pollution abatement measures taken on conservation of natural resources and on the cost of production.

- Jigging & Briquetting Plant - The ferro alloy slag consists some portion of valuable ferro alloy material which can be obtained in a directly saleable condition and can be sold at reasonably good market rates as compared to the main ferro alloy product. The Metal Recovery Plant is being used to recover this portion of metal from slag. Certain portion of slag is conveyed to Metal Recovery Plant (MRP) wherein it is crushed as to extract good quality Ferro Manganese from the slag waste. This process involves the following three steps;
 - Crushing and screening of metal containing slag.
 - Separation of metal from slag.
 - Re-crushing of middling to realize additional metal. The process flow of Metal in the plant, briquetting unit also provided where the dust from the bag filters and internal roads dust is converted into briquettes and will be feed to furnace.
- Utilization of Solid waste (slag) - Solid waste (slag) after metal recovery will be used in-filling of low lying areas, roads, making and other use.
- Utilization of Bag filter dust - Bag filter dust will be sold to the nearby Plant.
- Environment Management Cell - Environmental management cell has been established and upgraded for the management and control of environmental issues arising due to different activities in the plant. This cell being ensured



- Air pollution control & management
 - Water pollution control & management
 - Solid waste management
 - Proper operation of CEMS (Continuous Stack Emission Monitoring) and availability of online data.
 - Regular inspection for maintenance of good housekeeping.
 - All the compliances as per environment legislation which includes compliance of conditions of environment clearance consent to operate, authorization and NOC for ground water withdrawal.
5. The fume extraction system with bag filters, ID fan have been provided and the height of stack attached to the submerged arc furnace is 45 meters. The emissions level always remains below 50mg/Nm³.
 6. Environmental Monitoring - Environmental monitoring such as ambient air quality, water quality, fugitive emission monitoring, stack monitoring, noise monitoring etc. regularly done by NABL accredited laboratories empanelled and recognized by JSPCB & MOEF&CC.
 7. We have installed 60 Nos. of fixed water sprinklers & 100 Nos. of Fog nozzles in BFCL, Ferro alloys plant. Water is also sprinkled by water tankers on all the transport.
 8. Green belt development - This plant has an area of 7.18 acres. Since we have constraint of land we acquired and addition land 1.17 Ha. (2.9 Acres) by the side of the existing plant premises. Additional land outside the plant premises over an extent of 2.91 Hect. and 1.17 Ha. (2.9 Acres) has been procured. Total 3000 nos. of plants will be developed over an extent of 1.17 Ha. (2.9 Acres).
 9. Rain water harvesting structure - Rainwater harvesting system is constructed and rain water collected in the pits settle in the low level sumps to augment the ground water resources gradually. The total rain water potential of factory premises is 25196 m³.
 10. Online continuous emission monitoring system - PM 10 Analyzer is installed in this plant with connectivity to JSPCB server and data is continuously visible in public domain in the JSPCB website "www.jspcb.nic.in". PM10 values are always within the prescribed limit, i.e. 100 µg/m³.
 11. Online continuous Emission monitoring (CEMS) has been installed in Stack- 1 & 2 with connectivity to CPCB & JSPCB server and online data are continuously transmitted to JSPCB & CPCB server. This online data is also visible in public domain on website of JSPCB " www.jspcb.nic.in "
 12. Water Flowmeter - Electromagnetic flow meters with telemetry system are installed in 2 Nos. of bore wells as per CGWA Noc and the online data continuously transmitted to CGWA Portal; also a Piezometer is installed in a borewell to sense ground water level.
 13. Concrete road - The most important advantage of Concrete Road is its service life due to exceptional durability. Concrete roads are constructed in all areas of plant premises to control dust emission.



14. Road Sweeping Machine - Dust sweeping machine has been procured which removed dusts from all the transport Roads.

PART – H

Additional measures / investment proposal for environmental protection including abatement of pollution prevention of pollution.

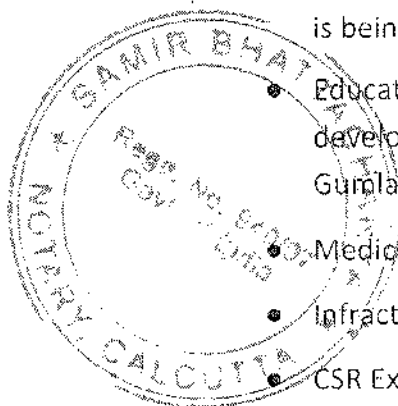
Proposals :

1. Massive Plantation.
2. Online UPS for SPM monitors.

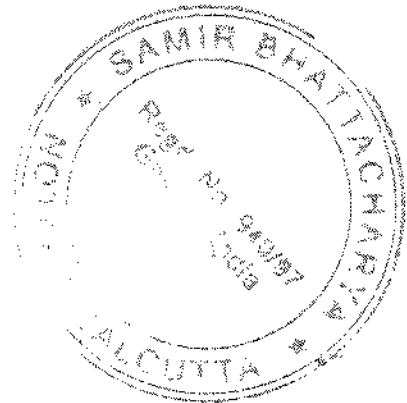
PART – I

Any other particulars for improving the quality of the environment.

1. Housekeeping - Fixed water sprinklers have been installed by the side of transport roads and mobile water tankers also regularly move and sprinkle water in the dust prone areas. A dust sweeping machine installed on tractor regularly sweeps dust from all the transport roads.
2. Periodically health checkup - Occupational health surveillance of the workers are carried out on six monthly basis and the last time it was taken up during December 2022.
3. Environmental awareness program - World environment day celebrated every year on 5th June to inform all the employees about how to protect our environment and conserve natural resources, also organizing Poster & Slogan competition on environment day to aware employees towards Environment Conservation.
4. Provided PPEs to all workmen and staff.
 - Provided PPEs to all workmen and staff.
 - Provide safety training to all the staff and workmen.
 - Safety day program celebrated at plant premises to aware all the staff and workmen.
5. CSR program –
 - Socio- economic development activities like community development program, educational program, drinking water supply and health care etc. is being done regularly in the surrounding villages.
 - Education- Financial aid to Rinki Kumari, Khusi Khabra, School development work of A1 Public School, Utkramit Ucchay Vidyalay Manua, Gurula(Jharkhand) tribie school.
 - Medical - Financial aid to Priti Pandey, Sanjay Kabra, Jay Prakash Singh Etc.
 - Infrastructure Development - Beautification work of Veer Kunwar Singh Statue.
 - CSR Expenses for the financial year 2022-23.



S. No	Expenditure Head	Amount in INR
I.	Women Empowerment	1,80,983
II.	Community Welfare	43,22,737
III.	Education	50,24,631
IV.	Health & Medical	92,70,990
V.	Sports	9,71,877
Total		1,97,71,218

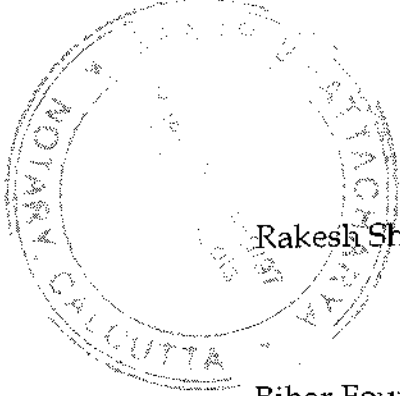


BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA

Interlocutory Application No. ____ of 2024

arising out of

Original Application No. 44 of 2023/EZ



Rakesh Shrivastava

...Petitioner

BETWEEN

AND

Bihar Foundry and Castings Limited & Ors.

... Respondents

**APPLICATION FOR ISSUING APPROPRIATE DIRECTIONS TO THE
RESPONDENT NO. 1 FOR PRODUCTION OF DOCUMENTS**

Filed by:

ANUBHAV KHASTAGIR

Advocate

C/O Mr. Sarathi Dasgupta, Advocate

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Enrolment No. F/200/367/2023