

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH, KOLKATA  
APPEAL NO. 24 OF 2022 / EZ

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Satyanarayan Rao

...Applicant

VERSUS

Union of India & Others

...Respondents

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SPCB Odisha, R.No.4

Through

**Sri Dipanjan Ghosh,**  
Advocates for the Respondent No. 4  
(State Pollution Control Board, Odisha)  
e-mail: dpnjnghsh0@gmail.com  
Phone No.:9903080977:

Kolkata

Date:

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
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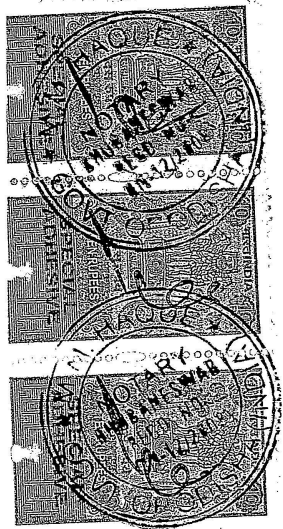
18 OCT 2023,

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

*18/10/2023*  
*M.M. HAQUE*  
NOTARY, BHUBANESWAR  
Regd. No.- ON-12/2008

I, Dr. Kailasam Murugesan, IFS, son of late Paramasivam Kailasam aged around 55 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.



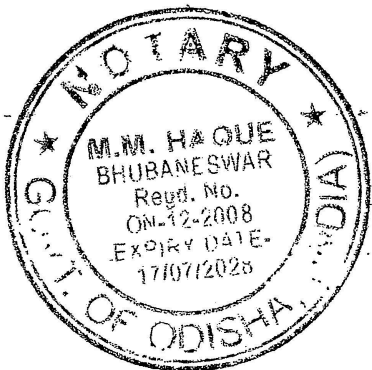
*Copy 12/2023*  
M.M. HAQUE  
NOTARY, BHUBANESWAR  
Regd. No. - ON-12/2008

2. That I have gone through the copy of Appeal and understood the contents thereof. The appeal has been filed by the appellant seeking quashing of the environmental clearance dtd.05.05.2022 granted by the MoEF&CC, Govt. of India, R.No.1 in favour of R.No.2, M/s. Vedanta Ltd, Jharsuguda, Odisha for expansion of Aluminium Smelter Production Capacity from 16 LTPA (lac tons per annum) to 18 (LTPA). Copy of the order dtd.05.05.2022 has been annexed to this appeal memo as Annexure-A-1.

3. That, the parawise reply on the facts in brief is given below.

4. That as regards the averments made in para-3 & 4 of the appeal, the R.No.4 Board has no comments to offer.

5. That as regards the averments made in para-5 of the appeal, it is humbly submitted that the R.No.2 has to submit the draft EIA Report before public hearing and the R.No.4 Board has no role regarding authenticity of submission of draft EIA Report by the Consultant or by the unit.



*M.M. 18/10/2023*  
M.M. HAQUE  
NOTARY, BHILAIKESWAR  
Regd. No.- ON-12/2008

6. That as regards the averments made in para-6,7 & 8 of the appeal, it is humbly submitted that the R.No.4 Board has no role and control over the decision of EAC Committee regarding grant of environmental clearance of the proposed project.
7. That as regards the averments made in para-9 of the appeal, it is humbly submitted that the R.No.4 Board has no role regarding the facts and findings of the draft EIA Report submitted by the R.No.2 unit along with the application for public hearing.
8. That as regards the averments made in para-10 of the appeal, the R.No.4 Board has no comments to offer.
9. That as regards the averments made in para-11 of the appeal, it is humbly submitted that the R.No.2 unit has deposited environmental compensation of Rs.1.00 crore before the R.No.4 Board vide Bank Draft No.50771 dtd.31.05.2022 drawn in ICICI Bank, which was received on dtd.03.06.2022 by the R.No.4 Board. The said amount has been deposited by the R.No.2 unit in compliance to direction dtd.06.05.2022 of this Hon'ble Tribunal in OA

*Handwritten signature*



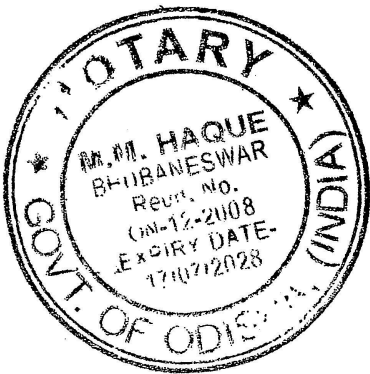
*M.M. Haque*  
17/10/2023  
M.M. HAQUE  
NOTARY, BHUBANESWAR  
Regd. No.- ON-12/2008

No.10/2021/EZ – Sri Ajit Kumar Dhal vs. State of Odisha & Others.

10. That as regards the averments made in para-12 to 18 of the appeal, the R.No.4 Board has no comments to offer.
11. That it is further humbly submitted that in addition to the para wise reply, the R.No.4 Board submits the following information for proper adjudication of this case.

a. The R.No.2 unit has submitted application for public hearing on 12.02.2020 before the R.No.4 Board for expansion of Aluminium Smelter Plant (from 16 LTPA to 18 LTPA), CPP-1215 MW by adding 2 LTPA Smelter Plant at village Burkhamunda, PO-Kalamandir, Dist – Jharsuguda, Odisha along with adequate public hearing fees and required documents.

b. The Collector & District Magistrate, jharsuguda has been requested by the R.No.4 Board on 20.02.2020 to suggest date, time and venue for the aforesaid project and accordingly, the Collector & DM has fixed the date of public hearing on 30.09.2020 at 11 AM to

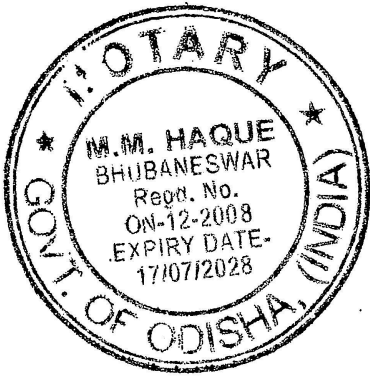


*M.M. Haque*  
M.M. HAQUE  
NOTARY, BHUBANESWAR  
Regd. No.- ON-12/2008

be held in Govt. Upper Primary School, Kurebega,  
Dalki, Jharsuguda.

c. Public hearing was conducted on 30.09.2020 in the date, time and venue fixed by the Collector & DM, Jharsuguda in terms of EIA Notification 2006 and proceedings of the public hearing alongwith other relevant documents forwarded to the Secretary, MoEF&CC, Govt. of India vide Board's letter No.11002 dtd.06.11.2020 for consideration of the proposal. Copy of letter No.11002 dtd.06.11.2020 is annexed to this affidavit and marked as ANNEXURE - R4/1.

d. The R.No.2 has obtained Environmental Clearance for expansion of Smelter production capacity from 16 to 18 LTPA and CPP-1215 MW vide order dtd.05.05.2022 of the MoEF&CC, Govt. of India, which has been annexed as Annexue-A-1 of the Appeal Memo.



12. 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.

*M.M. Haque*  
18/10/2023  
M.M. HAQUE  
NOTARY, BHUBANESWAR  
Regd. No.- ON-12/2008

- 13. That the annexure annexed to the present affidavit is true and correct copy of its original.
- 14. That 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

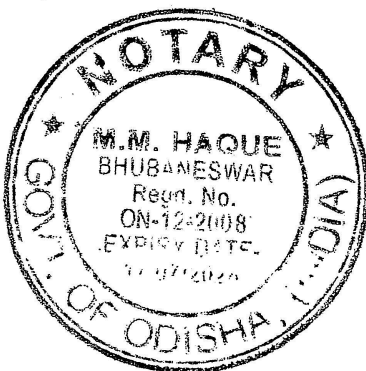
**VERIFICATION:**

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 this the 18<sup>th</sup> day of October, 2023.

Identified by me  
*[Signature]*  
Advocate, Bhubaneswar 18-10-23

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



*M.M. Haque*  
18/10/2023  
M.M. HAQUE  
NOTARY, BHUBANESWAR  
Regd. No.- ON-12/2008

ANNEXURE - R4/1



**STATE POLLUTION CONTROL BOARD, ODISHA**  
[DEPARTMENT OF FOREST & ENVIRONMENT, GOVERNMENT OF ODISHA]  
Paribesh Bhawan, A/118, Nilakantha Nagar, Unit - VIII  
Bhubaneswar - 751 012, INDIA

No. 11002 /

IND-II-PH-818

Date: 06-11-2020  
By Speed Post

To

The Secretary,  
Ministry of Environment, Forest and Climate Change,  
Govt. of India, Indira Paryavaran Bhawan,  
Jorbagh Road, New Delhi

Sub: Proceedings of Public hearing of M/s Vedanta Limited for expansion of Aluminium Smelter (capacity from 16 LTPA to 18 LTPA), CPP capacity of 1215 MW by adding 2 LTPA Smelter plant at village Bhurkamunda, PO: Kalimandir road in the district of Jharsuguda - Regarding.

Sir,

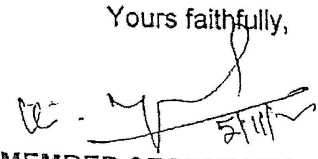
In inviting a reference to the above, this is to inform the following :

- 1) M/s. Vedanta Ltd. had applied for public hearing for obtaining Environmental Clearance for expansion of Aluminium Smelter (capacity from 16 LTPA to 18 LTPA), CPP capacity of 1215 MW by adding 2 LTPA Smelter plant at village Bhurkamunda, PO: Kalimandir road in the district of Jharsuguda.
- 2) The public hearing for the proposal was scheduled to be held at Govt. Upper Primary School, Kurebaga, Jharsuguda on 30.9.2020 at 11.00 AM.
- 3) The Board had issued public notices on 27.8.2020 for conducting public hearing of the above proposal on the above scheduled date & time. The public notices were published in the Newspapers "The Samaj" (in Odia Language) and "The Times of India" (in English) on 28.8.2020.
- 4) The Hon'ble High Court of Odisha, Cuttack passed order on 29.9.2020 in the matter of writ petition ( c) No. 24789/2020 of Subrat Bhoi vrs. State of Odisha & Others that the public hearing pursuant to advertisement dated 27.8.2020 issued by the State Pollution Control Board, Odisha scheduled to be held on 30.9.2020 shall not be held till next date.
- 5) M/s. Vedanta Ltd had approached the Hon'ble High Court of Odisha, Cuttack to review the matter and the Hon'ble High Court partially modified the aforesaid order on 30.9.2020 that the public hearing pursuant to advertisement dated 27.8.2020 issued by the State Pollution Control Board, Odisha may continue, but no final decision shall be taken till the next date. The Hon'ble Court also passed order that the petitioner, if so advised may participate in the public hearing.
- 6) The public hearing of the above project was conducted on 30.9.2020 at 4.30 PM after receiving the Hon'ble Court order at about 4.20 PM. During the course of public hearing, the guidelines of MoEF&CC, Govt. of India communicated vide Office Memorandum F. No. 22-25/2020-IA.III dated 14.9.2020 regarding COVID-19 pandemic restrictions and also the guidelines for COVID-19 of Govt. of Odisha had been duly followed.

- 7) The Hon'ble High Court of Odisha finally disposed off the writ petition on 9.10.2020 asking the petitioner Sri Subrat Bhoi and another to make a representation before the Collector, Jharsuguda within a period of three days on their allegation that there was no effective public hearing and the Collector, Jharsuguda was directed to pass necessary order considering the representation and consulting the stakeholders.
- 8) The petitioners filed their representations on 11.10.2020 wherein prayer for further public hearing was made basing on the same on the ground that an interim order had been passed vide I.A. No. 11105/202 dated 29.9.2020 that the public hearing would not be held till the next date when the Hon'ble High Court would take up the matter and this was widely circulated in the media leading to low participation.
- 9) In pursuance to the direction of the Hon'ble High Court dated 9.10.2020, all stakeholders i.e. Regional Officer, SPC Board, Jharsuguda, Petitioners and M/s. Vedanta Ltd were asked to appear on 15.10.2020 before the Collector, Jharsuguda.
- 10) The Collector, Jharsuguda disposed off the petition of petitioners with a remark that the public hearing conducted on 30.9.2020 with regard to proposed expansion of Aluminium Smelter plant at Bhurkamunda is considered smooth and complete.
- 11) A copy of the proceedings of Public hearing alongwith the following documents are enclosed for kind information and necessary action at your end.
- Video CD of public hearing.
  - Statement of issues raised by public hearing meeting and comments of applicant prepared in local language and in English.
  - Copies of the newspaper advertisement.
  - List of persons who participated in the public hearing.
  - Views and suggestions from the public received by the Board during the public hearing.
  - 153 (one hundred and fifty three) nos. of representations were received during the public hearing meeting.
  - Copy of order of Hon'ble High Court, Odisha dated 29.9.2020.
  - Copy of order of Hon'ble High Court, Odisha dated 30.9.2020.
  - Copy of order of the Hon'ble High Court, Odisha dated 9.10.2020.
  - Copy of order of the Collector, Jharsuguda in compliance to the order of the Hon'ble High Court passed in WP( C) No. 24789/2020 dtd. 9.10.2020

Encl: As above

Yours faithfully,

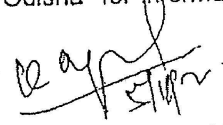
  
MEMBER SECRETARY

P.T.O...

Memo No 11003 /dt. 06-11-2020

Copy along with copy of the proceedings of public hearing forwarded to the Additional Chief Secretary, Forest & Env. Department, Govt. of Odisha for information and necessary action.


Encl: As above

  
MEMBER SECRETARY

Memo No 11004 /dt. 06-11-2020

Copy along with copy of the proceedings of public hearing forwarded to the Additional Director, Eastern Regional Office, MoEF&CC Govt. of India, A-3, Chandrasekharpur, Bhubaneswar for information and necessary action.


Encl : As above

  
MEMBER SECRETARY

Memo No 11005 /dt. 06-11-2020

Copy along with copy of proceedings of public hearing forwarded to Dr. A.S.P. Mishra, Head- Environment, M/s Vedanta Limited, Village: Bhurkamunda, Po: Kalimandir, Jharsuguda - 768202 for information and necessary action.

Encl: As above

  
MEMBER SECRETARY