

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,  
EASTERN ZONE BENCH AT KOLKATA  
ORIGINAL APPLICATION NO. 183 OF 2023**

IN THE MATTER OF-

VISHAL KUMAR

...APPLICANT

V/S.

BIHAR FOUNDRY & CASTINGS

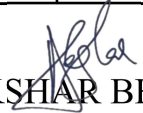
LTD. & Ors.

...RESPONDENTS

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DATE: 22.11.2024

PLACE: KOLKATA



**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,  
EASTERN ZONE BENCH AT KOLKATA  
ORIGINAL APPLICATION NO. 183 OF 2023**

IN THE MATTER OF-

VISHAL KUMAR

...APPLICANT

V/S.

BIHAR FOUNDRY & CASTINGS

LTD. & Ors.

...RESPONDENTS

**REJOINDER ON BEHALF OF APPLICANT TO THE  
AFFIDAVIT IN REPLY DATED 12.03.2024 FILED BY  
RESPONDENT No. 1**

1. That the instant rejoinder is filed as counter to the affidavit in reply filed by Respondent No. 1 in the subject case. The contents of the affidavit in reply filed by Respondent No. 1 are denied completely and nothing stated in this rejoinder shall be deemed to be taken as admission of the contentions raised in the affidavit in reply unless such admission is made explicitly.



### **PRELIMINARY SUBMISSIONS**

2. The instant original application is filed highlighting the violations being done by the Respondent No. 1 while running its ferro alloy unit. The Respondent No. 1 has provided different land details (area of the land on which the ferro alloy plant is situated) in different approvals issued to it for the same ferro alloy plant. In the environment clearance dated 31.10.2011, the area of the ferro alloy plant is shown as 14 acres. However, in the consent to operate dated 10.11.2020 issued to ferro alloy unit of Respondent No. 1, the land area of the ferro alloy plant is shown as 7.26 acres. This is done in order to avoid compliance of the requirement of the 40% green belt area in the ferro alloy plant. The Respondent No. 1 has taken environment clearance of ferro alloy plant stating that total land area is 14 acres and has not developed green belt area of 5.6 acres till date. Further, the respondent No. 1 in other approvals/ consents is stating that the ferro alloy plant has merely an area of 7.26 acres.
3. Apart from avoiding carrying out development of green belt area, Respondent No. 1 is also operating its ferro alloy plant with an expanded capacity and has installed CLU converter (for converting high carbon ferro alloys to Low carbon ferro alloys) without obtaining environment clearance. Respondent No. 1 has bid for tenders from SAIL and is currently/has supplied low carbon ferro alloys (which is a



product of its CLU converter) even though the environment clearance for setting up and installing CLU converter is not issued to it till date. This is causing severe damage to the environment as the operations of CLU converter results in severe pollution and the Respondent No. 1 is carrying out the same without obtaining prior environment clearance. Copy of the work order dated 01.09.2023 issued to Respondent No. 1 is annexed herein as **ANNEXURE A/1.**

4. Respondent No. 1 has also expanded the capacity of its existing ferro alloy plant without obtaining environment clearance. This is evident from the increase in production of slag as shown in the reports filed by Respondent No. 1 itself. The production of slag which was almost constant for the past 5 years doubled in 2022-23 which shows that the Respondent No. 1 has enhanced the capacity and production from its ferro alloy plant for which the environment clearance application is still pending. Copy of the annual environment statements filed by Respondent No. 1 showing increase in production of slag in its ferro alloy unit are annexed herein as **ANNEXURE A/2.**

#### **Parawise Reply**

5. The contents of para 6 are denied and it is humbly submitted that the notices have already been issued in the original application and it is in the appropriate form which can be considered by the Hon'ble Tribunal. Further, the original application raises issues with respect to operations of the ferro alloy plant of the Respondent No. 1 without obtaining prior environment clearance. This was noticed only after the Respondent No. 1 applied for environment clearance for carrying out



modifications and expansions in its ferro alloy plant. The Respondent No. 2 vide its letter dated 19.12.2022 issued to the Respondent No. 1 had already directed it to immediately stop the illegal construction of the ferro alloy plant. However, the Respondent No. 1 has not only completed the same but has also started operations of its illegally expanded ferro alloy plant.

6. The fact that the Respondent No. 1 is illegally operating its ferro alloy plant is evident from the work order issued by Steel Authority of India to Respondent No. 1 for supply of Low/medium carbon ferro alloy which is a product of the illegally installed CLU converter of the Respondent No. 1's ferro alloy plant and the Respondent No. 1 has till date not obtained environment clearance for operating the CLU converter. The fact that Respondent No. 1 not only filed its bid for supply of illegally produced low/medium carbon ferro alloy to a public sector undertaking but also completed such a tender shows that Respondent No. 1 is still operating its ferro alloy plant illegally. Thus, the allegations of running the ferro alloy plant without obtaining appropriate clearances and thereby severely damaging the environment levelled against the Respondent No. 1 are of continuous and continuing nature and therefore, the instant application raising such issues which are crucial to safeguard the already critically polluted area of Ramgarh is not barred by limitation or delays.
7. It is further submitted that after discovering the violations being done in Respondent No. 1's ferro alloy plant, the approvals issued to it on previous dates (these approvals form the basis of renewed approvals)



were also examined by the Applicant and it was found that Respondent No. 1 has till date not taken any environment clearance for one of its 1\*7.5 MVA furnace for which it had obtained consent to establish in 2009 itself. This shows that Respondent No. 1 has consistently violated environmental laws and is running its operations in violation.

8. It is humbly submitted that the Respondent No. 1 instead of giving reply to the merits of the Original Application is trying to mislead the Hon'ble Tribunal by raising baseless allegations against the Applicant stating that the instant original application is filed with vexatious interest even when the Applicant has placed on record all the relevant documents showing the illegal operations of the Respondent No. 1. This application is also filed as the Respondent No. 1 has consistently violated environmental laws and is running its operations in violation.
9. This Hon'ble Tribunal under the provisions of the EPA, 1986 has wide powers to pass any order in the interest and safety of the environment. The documents placed on record are sufficient to show that the Respondent No. 1 is operating its ferro alloy plant in expanded capacity without obtaining environment clearance and therefore, the Hon'ble Tribunal has jurisdiction and powers to order for the closure of the Respondent No. 1's ferro alloy plant to protect the environment.
10. The contents of para 6 (e) of the reply is denied as the alleged ferro alloy and sponge iron units of Respondents are independent of each



other. The permissions are issued under different names with respect to these two units.

11. The contents of para 6 (f) and (g) of affidavit in reply does not warrant any reply.

12. The Contents of 6 (h) of affidavit in reply are denied. It is further submitted that the consent to establish dated 20.05.2009 is hidden in the table provided in para 6 (h) of the affidavit in reply. The fact that consent to establish was issued to BFCL in 20.05.2009 without there being any prior environment clearance shows that BFCL is running its ferro alloy plant in violation of environment laws since 20.05.2009 itself.

13. The contents of para 6 (i) of affidavit in reply does not warrant any reply.

14. The contents of para 6 (j) of affidavit in reply are denied.

15. The contents of para 6 (k) are denied and it is humbly submitted that initially BFCL hid the fact regarding its 1\*7.5 MVA furnace while applying for environment clearance in 2011 even when its 1\*7.5 MVA furnace was established in 20.05.2009. Further, due to this the environment clearance dated 31.10.2011 issued to BFCL does not mention clearance for its 1\*7.5 MVA unit.



16. It is submitted that even the conditions mentioned under the Point (xi) of the Specific Conditions and Point (ii) of the General Conditions of the environment clearance are not followed by BFCL. As per the environment clearance, the total area of ferro alloy plant is 14 acre and therefore, 33% forest cover would amount to around 4.5 acre, however, BFCL has not setup green belt area in 4.5 acres of land and has thus violated the conditions of the environment clearance issued to it on 31.10.2011. Further, BFCL carried out illegal expansion and modification of its ferro alloy plant without the consent of MOEF and is currently running it which shows that it is in continuous breach of the terms of the environment clearance dated 31.10.2011.

17. In reply to para 6 (l), it is submitted that the report of the Joint Committee is silent with respect to the CLU converter being run by the Respondent No. 1 without there being any valid approval to run the same. The Joint Committee report has majorly captured the reply of the Respondent 1 with respect to the allegations made in the OA No. 44 of 2023. However, the fact that BFCL has establish 1\*7.5 MVA unit without obtaining prior environment clearance and has carried out expansions and modifications apart from setting up a CLU converter and is running its ferro alloy unit after carrying out modification even when the environment clearance for the same is pending till date is not addressed in any manner in the committee report.

18. That the contents of para 6(m) relates to the report with respect to Unit-I of BFCL and the same does not warrant any reply at this stage.



19. The contents of para 6 (n) of the reply contradicts the stand of the Respondent No. 1 as on one hand it is relying on the committee reports to state that it has not violated any of the terms of Environment clearance and on the other hand it is objecting to the contents of the same report for the sole reason that the report points out few of the violations being done by the BFCL. BFCL in its reply has blown hot and cold with respect to the inspections conducted by officials and has further remained silent on the specific allegations made by the Applicant even when such allegations are based on documents available to the public.
20. The contents of para 6 (o) and (p) does not warrant any reply at this stage.
21. The contents of para 6 (q) are denied for the reason that BFCL has hidden crucial information with respect to its 1\*7.5 MVA unit while obtaining the environment clearance dated 31.10.2011 and has further expanded its ferro alloy unit by setting up a new CLU converter even when it does not have valid environment clearance for setting up the same.
22. That the contents of para 6 (r) to 6 (u) relates to Sponge iron unit of the Respondent No. 1 whereas the issues raised in the application are with respect to Ferro Alloy Unit (Unit-II) and therefore the same does not warrant any reply at this stage.



23. That in reply to para 6 (v) to 6 (z) it is submitted that the respondent (BFCL) has obtained clearance dated 31.10.2011 without disclosing the actual status of ferroalloy plant. The consent to establish dated 20.05.2009 and setting up of 1\*7.5MVA unit was not disclosed while applying for environment clearance in 2011 further even the condition stipulated in environment clearance 31.10.2011 were not followed as BFCL established its new 1\*9MVA unit and CLU convertor without obtaining environment clearance.

24. It is further submitted that even after issuance of specific instructions by MOEF vide its letter dated 19.12.2022 directing BFCL to not engage in any construction activities in violation of the prior issued environment clearance, BFCL has still completed the modification and expansion of ferroalloy unit and has further set up a CLU convertor and is running the same thereby violating the environment norms on daily basis. BFCL is operating its ferroalloy plant illegally till date by running furnaces and CLU converter without obtaining environment clearance and thus causing severe damage to environment continuously.

25. That content of para 6(aa) does not warrant any reply at this stage.

26. That the contents of para 6(bb) are denied and it is humbly submitted that the order passed by Hon'ble Supreme Court of India in case of Van Shakti V/S Union of India clearly states that the notification dated 7.07.2021 is stayed. Thus any violation cases which are pending consideration under the said notification will not be eligible of grant

of environment clearance as the only mechanism of grant of environment clearance to industries falling under the category of “violation cases” is now stayed. Therefore the environment clearance application filed by BFCL is liable to be rejected.

27. That the contents of para 6(cc) are denied and it is humbly submitted that the instant case is filed by public spirited individual who is a prominent activist in the state of Jharkhand the applicant is a person belonging to noble profession. Further the allegations raised in the instant case are supported with the documents showing continuous violation of environment norms by the respondent and therefore the relief sought in the application are requested to be allowed.

28. That the contents of para 6(dd) are denied and it is humbly submitted that and it is humbly submitted that under the section of 14 and 15 of the national green tribunal act the hon'ble tribunal has wide powers to entertain any dispute with respect to the provisions of Environment Protection Act 1986, Water (prevention and control of pollution) Act 1974, Air (prevention and control of pollution) Act 1981. Further the Respondent No.1 of instant case has violated the terms of the various notification issued under EPA and have also violated the terms of the consent to operate issue to it under the Water and Air act and therefore the issues raised in the instant complaint falls squarely within the jurisdiction of hon'ble claim tribunal.

29. The content of para 7 and 8 are denied and it is humbly submitted that the Respondent in para 7 and 8 of its reply the respondent has merely



denied the allegation raised in the complaint without substantiating such denial with any documents or reasoning.

30.The contents of para 9 are denied and it is humbly submitted that the illegal modified and expanded ferroalloy unit of respondent no.2 is still running even when Respondent No.2 has not obtained a environment clearance for running the same till date it is pertinent to mention here that the slag production in Respondent No.2 unit is doubled in the year 2022-23 which shows that it is running its ferroalloy unit with expanded capacity.

31.It is further submitted that as per the market reports, Respondent No. 1 are also exporting the low carbon ferro alloy produced from its CLU converter to various countries.

32.It is humbly submitted that in a display of blatant disregard to all the environment norms, Respondent No. 1 has secured tender from SAIL for supply of low carbon ferroalloy which can only be produced by using CLU convertor. Further, it is an admitted fact that Respondent No. 1 has not obtained environment clearance for setting up its CLU convertor, however, it is till running the same and even accepting tenders and supplying illegally produced low carbon ferro alloy to Public entities. This shows that Respondent No.2 is continuously violating the environment norms by illegally operating its ferroalloy unit and it is causing severe damage to the environment.

33. The contents of para 10 are denied and it is humbly submitted that no environment clearance application is obtained in the name of Respondent No. 1 and further, the fact regarding establishing and running of 1\*7.5 MVA unit since 20.05.2009 is not hidden from the competent authorities by the Respondent No. 1 due to which Respondent No.1 have not obtained the environment clearance to run the said unit.
34. The contents of para 11 are denied and it is humbly submitted that a mere payment of Rs. 87 lakhs (approx.) as penalty for initiating construction without obtaining prior environment clearance will not absolve the liability of the Respondent No. 1 as the said respondents by completing the illegal construction and further initiating the operations of the illegally constructed CLU converter and 5th furnace have violated the express directions of the letter dated 19.12.2022 issued by MOEF. Further, the Respondent No. 1 is still running the ferro alloy unit in expanded capacity even when the application seeking environment clearance is delisted. This shows that severe damage is being caused to the environment due to continuous violations by Respondent No. 1 and therefore, the ferro alloy plant is liable to be shut down with immediate effect.
35. The contents of para 12 are denied and it is humbly submitted that the stack monitoring system installed by the Respondent 1 in their ferro alloy unit is not as per the standards as it fails to record pertaining to pollutants like SO<sub>x</sub> , NO<sub>x</sub>, PM (2.5) and CO.



36.the contents of para 13 and 14 of the reply are denied. It is further submitted that the Respondent No. 1 have failed to show that their ferro alloy unit (referred as Unit-II in all pleadings of Respondent No. 1 is being run in meagre water capacity of 35Kl/day. Further, no data as to total ground water drawn is produced by the Respondent No. 1 which establishes that Respondent No. 1 are indeed engaged in illegal drawl of ground water for running ferro alloy unit. This would mean that the ground water of the Ramgarh Area is getting depleted due to illegal over drawl by Respondent No. 1 and for this reason the ferro alloy unit of Respondent No. 1 is liable to be shut down.

37.The contents of para 15 of reply are denied and it is humbly submitted that area of total land of Respondent No. 1 including its sponge iron unit and ferro alloy unit is varying in all the approval issued to it. The consent to operate, environment clearance issued to ferro alloy unit of Respondent No. 1 provide different land areas for its ferro alloy unit. Further, even taking the land area of 14 acres as provided in the environment clearance dated 31.10.2011, Respondent No. 1 has still not provided details of 5 acres of green belt area to satisfy the condition stipulated in the environment clearance. Thus, it is clear that the Respondent No. 1 have not followed the terms and conditions of the environment clearance issued on 31.10.2011.

38.The contents of para 16-19 of the reply are denied and it is humbly reiterated that the Respondent No. 1 have not only illegally expanded

~~14~~

and modified the ferro alloy unit without obtaining environment clearance but are still continuing to run the same till date even during the pendency of the instant case. This shows that Respondent No. 1 have completely disregarded the environment laws and are continuously damaging the environment with an intent to make profits out of it. Thus, it is requested that the illegally constructed unit of Respondent No. 1 be directed to be shut down as the same are running without there being any valid environment clearance.



AKSHAR BHATT  
ADVOCATE FOR THE APPLICANT  
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DATE: 22.11.2024  
PLACE: KOLKATA



**BEFORE THE NATIONAL GREEN TRIBUNAL, EASTERN ZONE  
BENCH AT KOLKATA**

ORIGINAL APPLICATION No. **183** of 2023

15

**In the matter of-**

Vishal Kumar ...Applicant

V/s.

Bihar Foundry & Castings Limited ...Respondent

**AFFIDAVIT**

319 --- 18 NOV 2024  
Bd No. --- 886

I, Vishal Kumar, aged about 40 years, son of Shri. Muchkund Prasad, resident of Near Police Station, P.O. & P.S. – Jamua, District- Girdih, Jharkhand – 815318, presently residing at 208, Old AG Co-operative Colony, Kadru, PO- Doranda, PS- Argora, District – Ranchi, Jharkhand – 834001 hereby solemnly affirm and declare as under:-

1. That I am fully aware of the facts and circumstances of the case and thereby competent to swear this affidavit.
2. That the accompanying rejoinder has been drafted on my instruction and the contents of the accompanying rejoinder are true and correct to the best of my knowledge.
3. That the annexures in the accompanying rejoinder are true copies of their originals.

*Vishal Kumar*  
DEPONENT  
*Handwritten signature*

**VERIFICATION**

Verified at Ranchi, Jharkhand on this the 18<sup>th</sup> day of November, 2024, that the contents of above affidavit are true and correct to my knowledge and belief and no part of it is false or has been concealed from.



*Vishal Kumar*  
DEPONENT

Signature of *[Name]*  
Certification of Law  
*Handwritten signature*  
E.N. - 21/293/22

## Contract | अनुबंध



Contract No | अनुबंध क्रमांक: GEMC-511687741459369

Generated Date | अनुबंध तिथि: 01-Sep-2023

Bid/RA/PBP No. | बोली/आरए/पीबीपी संख्या: [GEM/2023/B/3694407](#)

Organisation Details   संगठन विवरण	Buyer Details   खरीदार विवरण
Type   प्ररूप: Central PSU	Designation   पद: Deputy General Manager
Ministry   मंत्रालय: Ministry of Steel	Contact No.   संपर्क नंबर: -
Department   विभाग: Steel Authority of India Limited	Email ID   ईमेल आईडी: buy5.sail.rourkela@gembuyer.in
Organisation Name   संगठन का नाम: Rourkela Steel Plant	GSTIN   जीएसटीआईएन: -
Office Zone   कार्यालय क्षेत्र: Materials Management Purchase	Address   पता: Central Stores Rourkela Steel Plant Rourkela, SUNDERGARH, ODISHA-769011, India

Financial Approval Detail   वित्तीय स्वीकृति विवरण	Paying Authority Details   भुगतान प्राधिकरण विवरण
IFD Concurrence   आईएफडी सहमति: No	Role: PAO
Designation of Administrative Approval   प्रशासनिक अनुमोदन का पदनाम: DIC	Payment Mode   भुगतान का तरीका: Internet Banking
Designation of Financial Approval   वित्तीय अनुमोदन का पदनाम: ED (F&A)	Designation   पद: Sr Manager
	Email ID   ईमेल आईडी: pao1.sail.rourkela@gembuyer.in
	GSTIN   जीएसटीआईएन: 21AAACS7062F2ZP
	Address   पता: OFFICE OF GM (F&A - STORE BILLS), SAIL - ROURKELA STEEL PLANT, Sundergarh, ODISHA-769011, India

Seller Details   विक्रेता विवरण	
GeM Seller ID   जेम विक्रेता आईडी: 6QO5210004030533	Company Name   कंपनी का नाम: BIHAR FOUNDRY & CASTINGS LIMITED
Contact No.   संपर्क नंबर: 08825379408	Email ID   ईमेल आईडी: bala007.b@gmail.com
Address   पता: SURVEY PLOT NO 1364, RANCHI INDUSTRIAL AREA DEVELOPMENT AUTHORITY, INDUSTRIAL AREA ROAD, MARAR, RAMGARH, JHARKHAND, Hazaribag, JHARKHAND-829117, -	MSME Registration number   एमएसएमई पंजीकरण संख्या: -
GSTIN   जीएसटीआईएन: 20AABC81852D1ZI	

\*GST / Tax invoice to be raised in the name of | जिसके नाम के पक्ष में GST/TAX इनवॉइस पेश किया जाएगा - Buyer

Delivery Instructions | वितरण निर्देश: NA

Product Details   उत्पाद विवरण						
#	Item Description   आइटम विवरण	Ordered Quantity   आइटम विवरण	Unit   इकाई	Unit Price (INR)   इकाई मूल्य (INR)	Tax Bifurcation (INR)   कर विभाजन (INR)	Price (Inclusive of all Duties and Taxes in INR)   मूल्य (INR में सभी शुल्क और कर सहित)
1	Product Name   उत्पाद का नाम: Low Carbon Ferro Manganese Brand   ब्रांड: OEM Brand Type   ब्रांड प्रकार: Registered Brand Catalogue Status   कैटलॉग की स्थिति: Catalogue not verified by OEM Selling As   कैसे बेचा जा रहा है: Reseller not verified by OEM Category Name & Quadrant   श्रेणी का नाम और चतुर्थांश: Low Carbon Ferro Manganese (Q3) Model   मॉडल: Bihar Foundry & Castings Ltd HSN Code   एचएसएन कोड: 72021900	10,000	metric tonne	112,860	GST   जीएसटी (18%): 172,159,322.034 GST Cess 1   जीएसटी उपकर 1 (0%): 0 GST Cess 2   जीएसटी उपकर 2 (0 per accounting unit): 0 Input Tax Credit (ITC) on GST   जीएसटी पर इनपुट टैक्स क्रेडिट (आईटीसी) (100%): 172,159,322.034 ITC on GST Cess 1   जीएसटी उपकर पर आईटीसी 1 (100%): 0 ITC on GST Cess 2   जीएसटी उपकर पर आईटीसी 2 (100%): 0	1,128,600,000
Total Order Value   कुल ऑर्डर मूल्य (in INR)						1,128,600,000

Consignee Detail   परेषिती विवरण						
S.No   क्र.सं.	Consignee   परेषिती	Item   वस्तु	Lot No.   लॉट नंबर	Quantity   मात्रा	Delivery Start After   दिनांक के बाद डिलीवरी शुरू करना है	Delivery To Be Completed By   वितरण पूरा कब तक करना है



1	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
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### 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. <a href="#">SpecificationDocument1</a>	<a href="http://mkp.gem.gov.in/catalog_data/catalog_support_document/81/02/766/CatalogAttrs/SpecificationDocument/2023/7/26/2023_07_26_13_30_25_sail_rsp_spec_t_c_2023-07-26-13-30-45_59b464a221717555cf5d1d12ed0d3bc1.pdf">mkp.gem.gov.in/catalog_data/catalog_support_document/81/02/766/CatalogAttrs/SpecificationDocument/2023/7/26/2023_07_26_13_30_25_sail_rsp_spec_t_c_2023-07-26-13-30-45_59b464a221717555cf5d1d12ed0d3bc1.pdf</a>
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### Buyer Specification Document | खरीदार विशिष्टता दस्तावेज़:

1. <a href="#">DrawingDocument</a>	<a href="http://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_ddea23139eb50bfb4cefeffa144af91b.pdf">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_ddea23139eb50bfb4cefeffa144af91b.pdf</a>
2. <a href="#">SpecificationDocument</a>	<a href="http://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">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</a>

### 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.

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

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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 :- 20AABC1852D1ZI  
Ranchi - 8825379408, 9523097635 / Ramgarh - 9934012660, 7033698983, Email :- bfclgfa@gmail.com

**FORM V**  
(see rule 14)

Environmental Statement for the financial year ending on 31<sup>st</sup> 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 m<sup>3</sup>/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 <sup>3</sup>	0.701 m <sup>3</sup>

## 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	24631.600 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/Nm<sup>3</sup>.
  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 m<sup>3</sup>.
  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/m<sup>3</sup>.
  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 5<sup>th</sup> 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, Gumla(Jharkhand) tribble school.
  - Medical - Financial aid to Priti Pandey, Sanjay Kabra, Jay Prakash Singh Etc.
  - Infracture 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
<b>Total</b>		<b>1,97,71,218</b>



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**Rejoinder to reply filed by R1 on behalf of application in OA183/2023**

1 message

**Akshar Bhatt** <akshar@outlook.com>

Fri, Nov 22, 2024 at 1:56 PM

To: "mailsandipagarwal@gmail.com" <mailsandipagarwal@gmail.com>, "amritalegal@gmail.com" <amritalegal@gmail.com>, "advaish.hc@gmail.com" <advaish.hc@gmail.com>, Ashok Prasad Peso <ashokadvhc@gmail.com>, Surendra Kumar Cpcb <surendra\_kr15@rediffmail.com>, "gigicgeorge.adv42@gmail.com" <gigicgeorge.adv42@gmail.com>, "legumjure@gmail.com" <legumjure@gmail.com>, Judicial Section <ngtjudicial-kolkata@gov.in>

Dear Sir/Madam,

Kindly find attached rejoinder to reply filed by R1 on behalf of applicant in OA183/2023. Service through email shall constitute effective service.

Regards,

Akshar Bhatt

Advocate for the Applicant

**Rejoinder in OA 183 of 2023.pdf**

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