

BEFORE THE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH KOLKATA

IN

Original Application No. 15/2025/EZ

**IN THE MATTER OF:**

**Harihar Samal & Anr**

.... APPLICANTS

VERSUS

**STATE OF WEST BENGAL & OTHERS**

.... RESPONDENTS

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**Mrinal Kanti Biswas**

Scientist E & Regional Director  
CPCB, Kolkata

Filed through



Counsel

Dated: 17/03/ 2025

Place: Kolkata



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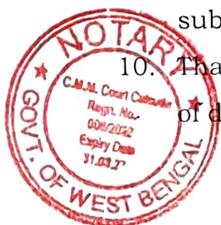
**.... RESPONDENTS**

**REPLY ON BEHALF OF THE RESPONDENT NO. 08: CENTRAL POLLUTION  
CONTROL BOARD (CPCB)**

1. That Hon'ble NGT vide order dated 05.02.2025 has sought the reply of respondents, including Central Pollution Control Board (hereinafter referred to as "CPCB") in the instant matter. Thereby, the reply is made in succeeding paragraphs.
2. That, Petition has been filed by Shri. Harihar Samal & Anr. The matter concerns a request made by the applicant to State Pollution Control Board, Odisha (hereinafter referred as OSPCB) to revoke the Consent to Operate (CTO) for Respondent No.13 i.e. M/s. Rimjhim Ispat Limited situated at Dhenkanal in Odisha, until full compliance with CTO conditions and environmental measures is ensured. Additionally, the applicant has prayed for the eviction of Respondent No.13 from the forest land, removal of solid waste dumped outside the premises, stabilization of the active dump site, assessment of illegal water extraction from Kisindha Nallah, and a comprehensive audit of the Unit's water consumptions and sources. This matter was subsequently heard before the Hon'ble National Green Tribunal, Eastern Bench.
3. That CPCB has been constituted under Section 3 of The Water (Prevention and Control of Pollution) Act, 1974 (hereinafter referred to as "Water Act, 1974"). It performs the functions under The Water Act, 1974, The Air (Prevention and Control of Pollution) Act, 1981 (hereinafter referred to as "Air Act, 1981") and the Environment (Protection) Act, 1986.
4. That the averments made in Para 1 pertain to the applicant and constitute matters of record; hence, the answering Respondent No. 8 offers no comments thereon.



5. That the averments made under Para 2 to 3 are about the alleged steel plant and its capacity and it is mentioned that on 28.02.2022 M/s Rimjhim Ispat Ltd. acquired the alleged unit from M/s. BRG Iron & Steel Co. Ltd. These are being matters of records, therefore no comments are offered from this answering respondent No. 8.
6. That the averments made under Para 4 are about complaints made by the applicant regarding environmental pollution caused by Respondent unit. It is humbly submitted that environmental standards for Sponge Iron Plant (Rotary Kiln) have been notified under the Environment (Protection) Fourth Amendment Rule, 2008 by the Ministry of Environment Forest and Climate Change (MoEF&CC) through the Gazette Notification dated 30 May 2008 (available at <https://cpcb.nic.in/displaypdf.php?id=SW5kdXN0cnktU3BIY2lmaWMtU3RhbmRhcmlRzL0VmZmx1ZW50L1Nwb25nZV9pcm9uX3BsYW50KHJvdGFyeS1raWxuKS5wZGY=>).
7. That the averments made under Para 5 is regarding amendment of the industry's name from M/s. BRG Iron & Steel Co. (P) Ltd. to M/s. Rimjhim Ispat Limited as effected by OSPCB vide letter no. 6896/IND-I-CON-5339 dated 07.05.024. These averments pertain to OSPCB therefore no comments are offered from this answering respondent No. 8.
8. That the averments made under Para 6 to 8 is regarding Environmental Clearance (herein after referred as EC) issued by Ministry of Environment and Forests on 08/09/2008 to M/s. BRG Iron & Steel Co.(P) Ltd. and after management change of the unit, Respondent 13 did not amend the name in EC. As per Environment (Protection) Act 1986, EC is being issued by Ministry of Environment Forest and Climate Change (MoEF&CC) (Respondent No 9) for Category 'A' type Industry and at State level the State Environment Impact Assessment Authority (SEIAA) for matters falling under Category 'B'. These being matter of records, therefore no comments are offered from this answering respondent No. 8.
9. That the averments made under Para 9 and 10 is about violation of EC conditions regarding water usage and illegal extraction of water from Kisindha Nallah. This is humbly submitted that Hon'ble NGT has constituted a fact-finding Committee comprising of MoEF&CC, CPCB, OSPCB and District Collector, Dhenkanal. The said Committee has carried out inspection of the unit in question on 06.03.2025 and report will be submitted by nodal agency i.e. The District Collector, Dhenkanal.
10. That the averments made under Para 11 to 13 is regarding open dumping of different solid wastes like char, slag flue dust and flyash outside factory

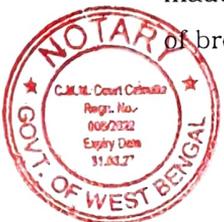


premises. It is humbly submitted that the submissions made in para 9 of this affidavit are reiterated and are not repeated for sake of brevity.

11. That the averments made under Para 14 is regarding green belt development around the alleged unit. It is humbly submitted that the submissions made in para 9 of this affidavit are reiterated and are not repeated for sake of brevity.
12. That the averments made under Para 15 is regarding installation of ambient air quality station and data transfer to OSPCB and CPCB. It is humbly submitted that the submissions made in para 9 of this affidavit are reiterated and are not repeated for sake of brevity.
13. That the averments made under Para 16 to 19 concerns about violation of CTO condition regarding wastewater, water treatment and discharge of untreated water directly to the Kisinda river. It is humbly submitted that the submissions made in para 9 of this affidavit are reiterated and are not repeated for sake of brevity.
14. That the averments made under Para 20 and 21 is about engagement of qualified manpower and establishment of environmental cell for operation of continuous emission and effluent monitoring system (herein after referred as CEMS). It is humbly submitted that Continuous Online Stack Monitoring System is installed at different stacks of the unit. Four numbers of CEMS analysers/stacks, namely CEMS-1 (DRI UNIT-1), CEMS-2 (SMS UNIT-1), CEMS-3 (FERRO ALLOY UNIT-1), CEMS\_2\_Ferro\_Alloys\_Plant\_2X9MVA are registered on CPCB's RTDMS (Real Time Data Management System) portal in the name of M/s BRG Iron &. Steel Co. Pvt. Ltd. and one CEMS (i.e. CEMS\_2\_Ferro) is registered on CPCB's RTDMS portal in the name of M/s Rimjhim Ispat Limited.
15. That the averments made under Para 22 is about data transfer of Continuous Ambient Air Quality Monitoring Station (CAAQMS) to SPCB. It is humbly submitted that the submissions made in para 9 of this affidavit are reiterated and are not repeated for sake of brevity.
16. That the averments made under Para 23 and 24 are about violation of EC condition regarding emission monitoring and subsequent data transfer on Real Time Data Acquisition and monitoring system portal. It is humbly submitted that the submissions made in para 14 of this affidavit are reiterated and are not repeated for sake of brevity.
17. That the averments made under Para 25 to 29 are about violation of EC condition regarding dust control and discharge of untreated effluent. It is humbly submitted that the submissions made in para 9 of this affidavit are reiterated and are not repeated for sake of brevity.



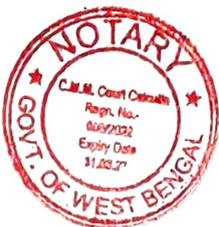
18. That the averments made under Para 30 are regarding OCEMS connectivity of new stack attached to GCP of FAP. It is humbly submitted that the submissions made in para 14 of this affidavit are reiterated and are not repeated for sake of brevity.
19. That the averments made under Para 31 are regarding CAAQMS installation as per CTO condition but that was not complied. It is humbly submitted that the submissions made in Para 9 of this affidavit are reiterated and are not repeated for sake of brevity.
20. That the averments made under Para 32 to 34 are about specification on type of land where the alleged unit is situated and encroachment of forest land. It is humbly submitted that the submissions made in Para 9 of this affidavit are reiterated and are not repeated for sake of brevity.
21. That the averments made under Para 35 to 36 are regarding notification issued by Central Ground water Authority are being matter of record, therefore no comments are offered from this answering respondent No. 8.
22. That the averments made under Para 37 concerns about CPCB direction dated 23<sup>rd</sup> July 2015 regarding installation of OCEMS in respect of different emission and effluent parameters. It was highlighted by applicant that data has never been shared through Real Time Data Acquisition System (RT-DAS). It is humbly submitted that the submissions made in para 14 of this affidavit are reiterated and are not repeated for sake of brevity.
23. That the averments made under Para 38 is regarding open dumping of Flyash and Iron Fines along the roadside causing different environmental hazard. This is humbly submitted that Hon'ble NGT constituted a fact-finding committee where CPCB is a member and the Committee shall inspect the site in question and submit its Report. It is humbly submitted that the submissions made in Para 9 of this affidavit are reiterated and are not repeated for sake of brevity.
24. That the averments made under Para 39 is regarding inaction of Respondent 3 for controlling discharge of untreated wastewater by alleged unit. It is humbly submitted that the submissions made in para 9 of this affidavit are reiterated and are not repeated for sake of brevity.
25. That the averments made under Para 40 to 41 is regarding air and water pollution caused by alleged unit due to irregular operation of different pollution control devices. It is humbly submitted that the submissions made in para 9 of this affidavit are reiterated and are not repeated for sake of brevity.



26. That the averments made under Para 42 is regarding non utilisation of money by the alleged unit on peripheral development/CSR/Corporate Environment Responsibility. These are being matter of record, therefore no comments are offered from this answering respondent No. 8.
27. That the averments made under Para 43 to 45 is regarding recommendation made by OSPCB based on inspection carried out on 03/02/2021 and 03/02/2021 and subsequent show cause notice issued by them. This does not pertain to the answering respondent, hence no comments required from respondent No. 8.
28. That the averments made under Para 46 concerns about not following the CTO condition of Zrero Liquid Discharge by the alleged unit. It is humbly submitted that the submissions made in Para 9 of this affidavit are reiterated and are not repeated for sake of brevity.
29. That the averments made under Para 47 concerns about provision for display of online real time continuous monitoring system by State Government. This does not pertain to the answering respondent, hence no comments required from respondent No. 8.
30. That the averments made under Para 48 is request by the applicant to the authority regarding issue of closure notice to the alleged unit. It is humbly submitted that the submissions made in para 9 of this affidavit are reiterated and are not repeated for sake of brevity.
31. That the averments made under Para 49 to 51 is regarding Prevention of Money-laundering Act, 2002, are being matter of record, therefore no comments are offered from this answering respondent No. 8.
32. That in reply to the averments made under heading Grounds of Para A to I of the original application, it is humbly submitted that the submissions made in above respective paras of this affidavit are reiterated and are not repeated for sake of brevity.
33. That, in light of the above submissions, it is respectfully submitted that this answering respondent, i.e., CPCB, shall abide by any order(s) or direction(s) passed by this Hon'ble Tribunal in this Original Application.

*Mrinal Kanti Biswas*

**Mrinal Kanti Biswas**  
Scientist 'E' & Regional Director  
CPCB, Kolkata



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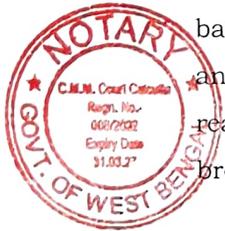
.... RESPONDENTS

REPLY ON BEHALF OF THE RESPONDENT NO. 08: CENTRAL POLLUTION  
CONTROL BOARD (CPCB)

**AFFIDAVIT**

I, Mrinal Kanti Biswas, S/O Saroj Biswas aged about 43 years, having office at the Regional Directorate, Central Pollution Control Board, Southend Conclave' Block No.502, 5th& 6th Floor, 1582, Rajdanga Main Road, Kolkata-700107, do hereby solemnly affirm and sincerely state as follows: -

1. That the deponent is authorized representative to represent the Respondent CPCB in the present case, and as such, I am well conversant with the facts and circumstances of the present case on the basis of the information derived from the official records, and hence, I am competent and authorized to verify, sign and swear this affidavit on behalf of the Respondent CPCB.
2. That the accompanying reply may be read part and parcel of the present affidavit as I am competent to swear this affidavit.
3. That the accompanying reply has been drafted and filed under my instructions and authority the contents thereof are true and correct on the basis of the record maintained during ordinary course of business of CPCB and available records and documents and the contents of the same are read over and explained to me and are not repeated herein for the sake of brevity.



Identified by me

Advocate

**NIRMALYA DAS GUPTA**  
Advocate Cum Notary  
REGN NO.-006/2022  
C.M.M. Court Calcutta

DEPONENT

**SOLEMNLY AFFIRMED**  
&  
Declared Before me  
on Identification Adv.  
  
NOTARY  
N. DAS GUPTA  
C.M.M. Court  
Govt. W.B.

17 MAR 2025

**VERIFICATION**

Verified at Kolkata on this day of 17/05/2025 that the contents of the The above replies are correct and true on the basis of the record of the cases as mentioned in the day-to-day affairs of the CPCB. Nothing has been concealed therefrom or mis-stated.

Verified at Kolkata on this the. Day of 17/05/2025.

**Identified by me**



**Advocate**

  
**DEPONENT**