

S.L. No. 20/25

X

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA



IN

OA. No. 62/2025/EZ

IN THE MATTER OF**Satish Kumar Biswal**

.... APPLICANT(S)

VERSUS

M/s KL Resources Pvt. Ltd.**through its Managing Director & Ors.**

.... RESPONDENT(S)

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Mrinal Kanti Biswas

 Regional Director & Scientist E,
 CPCB, Kolkata

Filed through



Counsel

for CPCB

09.07.2025

Dated: ____, 2025

Place: Kolkata



09 JUL 2025

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REPLY ON BEHALF OF RESPONDENT NO. 3 i.e. CENTRAL POLLUTION CONTROL BOARD

1. That the Hon'ble National Green Tribunal Eastern Zone Bench (hereinafter referred to as "Hon'ble NGT (EZ)") vide order dated 08.04.2025 in Original Application (hereinafter referred to as "OA") No. 62 of 2025 (EZ), has directed Central Pollution Control Board (hereinafter referred to as "CPCB") to file response in the instant matter. Thereby, the reply is made in this instant OA in succeeding paragraphs.
2. That the instant case is related to illegal dumping of solid waste by a Chrome-Ore Beneficiation Unit M/s KL Resources Pvt. Ltd. in the premises of Dharamshala Mahavidyalaya, Dharamshala, Jajpur, Odisha-755008 to fill an abandoned laterite quarry. The unit is allegedly operating in violation of Consent to Establish (hereinafter referred as CTE) and Consent to Operate (hereinafter referred as CTO) issued by Odisha State Pollution Control Board (hereinafter referred as OSPCB) under Section-24 of Water (Prevention and Control of Pollution) Act, 1974 and Section-21 of Air (Prevention and Control of Pollution) Act, 1981.
3. That, it is humbly submitted that CPCB is a statutory Board 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 (hereinafter referred to as "E (P) Act, 1986"). State Pollution Control Boards (SPCBs)/Pollution Control Committees (PCCs) in every State/Union Territory have been constituted under Section 4 of the Water (Prevention and Control of Pollution) Act, 1974 and Section 5 of the Air (Prevention and Control of Pollution) Act,

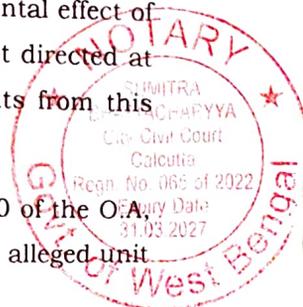


1981 and are responsible for implementation of the provisions of both the Acts in their respective State/Union Territory.

4. That, it is humbly submitted that Ministry of Environment Forest & Climate Change vide G.S.R. 395(E). dated 04/04/2016 has notified Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016 and amended thereafter (hereafter will referred as HOWM Rules, 2016) (in supersession of the Hazardous wastes (Management, Handling and Transboundary Movement) Rules, 2008)) for handling and management of hazardous waste in environmentally sound manner. Under the said Rules, CPCB has been entrusted with the responsibility for preparation and Updation of guidelines/SOPs for management of hazardous and other Waste. Further, as per Rule 21 of the HOWM Rules, 2016, the State Pollution Control Boards (SPCBs)/Pollution Control Committees (PCCs) have been entrusted with duty to grant and renewal of Authorization; ensure compliance of the various provisions stipulated under the aforesaid Rules through monitoring and taking of actions against defaulters.

Para wise reply:

5. That no comments are offered over the averments made in the Para no 1-5 of the petition being introductory in nature.
6. That with regards to the averment made in Para no 6 of the O.A related to illegal solid waste dumping by Chrome ore beneficiation unit in abandoned laterite quarry in premises of Dharamshala Mahavidyalaya, Jajpur in violation of the Consent to Establish (CTE) and Consent to Operate (CTO) issued by Odisha State Pollution Control Board (hereinafter referred as OSPCB). It is humbly submitted that, CTE and CTO ^{is} ~~is~~ issued by the OSPCB (Respondent No. 2), therefore, need no reply from this answering respondent. 1/12
7. That the averments made in the Para no. 7 & 8 of the O.A related to the submission of the representation by the applicant before the Hon'ble President of India, Hon'ble Governor of Odisha, Hon'ble PM of India, Hon'ble CM of Odisha, Chief Secretary of Odisha, administrative authorities of Dharamshala Mahavidyalaya, Jajpur, District Administration and other local authorities about the detrimental effect of the alleged dumping. Therefore, the averments made are not directed at this answering respondent and hence calls for no comments from this answering respondent.
8. That with regards to the averment made in Para no 9 and 10 of the O.A related to the show cause notice issued by the OSPCB to the alleged unit.





- i.e. M/s K L Resources Pvt. Ltd and RTI appeal filed by It is humbly submitted that, the show-cause Notice was issued by OSPCB and RTI Appeal filed to the OSPCB. Therefore, need no reply from this answering respondent.
9. That the averment made in the Para no.11 of the O.A is related to the response provided by the Respondent No. 2 on the RTI application of applicant informing about response of respondent no. 1 and scheduled joint inspection of OSPCB and CPCB. In this regard, it is humbly submitted that as per footnote of Schedule -I of HOWM Rules, 2016, **(Annexure I)** ore beneficiation rejects (including Chrome Ore Beneficiation rejects) are excluded from the category of hazardous wastes and the same are to be managed as per the guidelines issued by Central Pollution Control Board on the management of these wastes. Accordingly, CPCB, in order to prepare Guidelines for Handling and Management of Chrome Ore Beneficiation rejects, carried out visits jointly with OSPCB of various Chrome Ore Beneficiation plants, including M/s KL Resources to obtain information related to the process, management, along with Sampling and Monitoring of environmental matrices. The said guidelines are under preparation.
 10. That the averment made in the Para no. 12 and 13 of the O.A regarding the contravention of the office memorandum dated 25.08.2009 and consent order dated 22.08.2023 issued to the M/s K L Resources Pvt. Ltd. It is humbly submitted that both the orders were issued by OSPCB. Therefore, the averments are related to OSPCB (i.e. Respondent no. 2 and 5) hence need no reply from this answering respondent.
 11. That with regards to the averments made in Para no. 14 and 15 of the O.A related to the communications made between M/s K L Resources Pvt. Ltd., Dharamshala Mahavidyalaya and Panchayat Samiti, Dharmshala, Jajpur, Odisha regarding request and permission granted for the alleged waste dumping. These averments are related to respondent no. 4 and 10, hence need no reply from this answering respondent.
 12. That the averments made in para no. 16 of the O.A related to the controversy of NOC obtained from Zilla Parishad, Jajpur for the alleged dumping. It is humbly submitted that, as NOC was issued by the Zilla Parishad. These averments are related to Respondent No. 9 and need no reply from this answering respondent.
 13. That the averments made in Para No. 17 of the O.A, regarding the role of local authorities to implement the Solid Waste Management Rules, 2015



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It is humbly submitted that the submissions made in preceding Para no. 6 are reiterated and are not repeated herein for the sake of brevity.

14. That the averments made in Para No. 18 of the O.A, are not referred to this answering respondent therefore no comments are being submitted by this answering respondent.
15. That the averments made in Para No. 19 of the O.A, regarding the 'General Standards for Discharge of Environment Pollutants-Part A: Effluents'. It is humbly submitted that, the submissions made in preceding Para no. 6 are re-iterated and are not repeated herein for the sake of brevity.
16. That the averments made in Para No. 20 of the O.A regarding joint inspection by CPCB and OSPCB dated 29.12.2023 and 17.10.2024 to verify the complaint received with regard to illegal dumping. In this regard, it is humbly submitted that CPCB has not carried out any joint inspection with OSPCB of M/s KL resources Pvt. Ltd. to verify any complaint on 29/12/2023 and 17/10/2024.
17. That the averments made in Para No. 21 and 22 of the O.A related to the possibility of health hazard if rain comes in contact with solid waste dumped in the alleged abandoned laterite quarry. It is humbly submitted that this answering Respondent has no record about such health hazard from dumping of solid waste in the said laterite quarry.
18. That no comments are offered over the averments made in para no. 23 of the OA, being the general description of vicinity of the alleged college area.
19. That no comments are offered over the averments made in para no. 24 to 26 of the O.A. from this Answering respondent.
20. That with regard to the averments made under prayer (1-4), it is respectfully submitted that the submission made in preceding paragraphs are reiterated and are not repeated herein for the sake of brevity.
21. That in light of the above submission, it is respectfully submitted that this answering respondent i.e. CPCB shall abide by all the order(s) or direction(s) passed by this Hon'ble Tribunal in this original application.
22. The Answering Respondent seeks liberty to file additional affidavit if the same is considered necessary at later stage.

Identified by me
 Sibojyoti Chakrabarti
 Advocate
 for CPCB
 09.07.2025


Mrinal Kanti Biswas

Regional Director & Scientist 'E'
 CPCB, Kolkata

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AFFIDAVIT

I, Mrinal Kanti Biswas, S/o Saroj Kumar 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

Srijyoti Chakrabarti
Advocate
for CPCB

09.07.2025 -

Solemnly Affirmed and
Declared before me U/S 139
(PC, (C))

Sumitra Bhattacharya
Notary

[Signature]
DEPONENT

Sumitra Bhattacharya
Notary, Govt. of W.B
Regd. No. 065 of 2022
City Civil Court, Calcutta

09 JUL 2025

X

VERIFICATION



Verified at Kolkata on this day of 09.07 2025 that the contents of the above reply 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 09.07 2025. 1/1

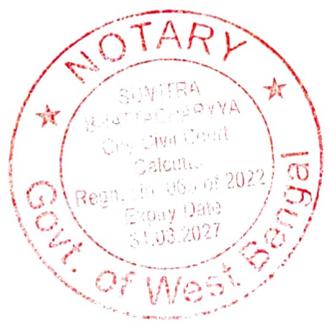
Identified by me

Sibojit Chakrabarti

Advocate

for CPCB 09.07.2025

[Signature]
DEPONENT



**CHAPTER VI
MISCELLANEOUS**

20. Records and returns.- (1) The occupier handling hazardous or other wastes and operator of disposal facility shall maintain records of such operations in **Form 3**.

(2) The occupier handling hazardous and other wastes and operator of disposal facility shall send annual returns to the State Pollution Control Board in **Form 4**.

(3) The State Pollution Control Board based on the annual returns received from the occupiers and the operators of the facilities for disposal of hazardous and other wastes shall prepare an annual inventory of the waste generated; waste recycled, recovered, utilised including co-processed; waste re-exported and waste disposed and submit to the Central Pollution Control Board by the 30th day of September every year. The State Pollution Control Board shall also prepare the inventory of hazardous waste generators, actual users, and common and captive disposal facilities and shall submit the information to Central Pollution Control Board every two years.

(4) The Central Pollution Control Board shall prepare the consolidated review report on management of hazardous and other wastes and forward it to the Ministry of Environment, Forest and Climate Change, along with its recommendations before the 30th day of December once in every year.

21. Responsibility of authorities. - The authority specified in column (2) of Schedule VII shall perform the duties as specified in column (3) of the said Schedule subject to the provisions of these rules.

22. Accident reporting. - Where an accident occurs at the facility of the occupier handling hazardous or other wastes and operator of the disposal facility or during transportation, the occupier or the operator or the transporter shall immediately intimate the State Pollution Control Board through telephone, e-mail about the accident and subsequently send a report in **Form 11**.

23. Liability of occupier, importer or exporter and operator of a disposal facility.-

(1) The occupier, importer or exporter and operator of the disposal facility shall be liable for all damages caused to the environment or third party due to improper handling and management of the hazardous and other waste.

(2) The occupier and the operator of the disposal facility shall be liable to pay financial penalties as levied for any violation of the provisions under these rules by the State Pollution Control Board with the prior approval of the Central Pollution Control Board.

24. Appeal.- (1) Any person aggrieved by an order of suspension or cancellation or refusal of authorisation or its renewal passed by the State Pollution Control Board may, within a period of thirty days from the date on which the order is communicated to him, prefer an appeal in **Form 12** to the Appellate Authority, namely, the Environment Secretary of the State.

(2) The Appellate Authority may entertain the appeal after expiry of the said period of thirty days, if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(3) Every appeal filed under this rule shall be disposed of within a period of sixty days from the date of its filing.

SCHEDULE I

[See rule 3 (1) (17) (i)]

List of processes generating hazardous wastes

S.No. (1)	Processes (2)	Hazardous Waste* (3)
1.	Petrochemical processes and pyrolytic operations	1.1 Furnace or reactor residue and debris 1.2 Tarry residues and still bottoms from distillation 1.3 Oily sludge emulsion 1.4 Organic residues 1.5 Residues from alkali wash of fuels 1.6 Spent catalyst and molecular sieves 1.7 Oil from wastewater treatment
2.	Crude oil and natural gas production	2.1 Drill cuttings excluding those from water based mud 2.2 Sludge containing oil 2.3 Drilling mud containing oil
3.	Cleaning, emptying and maintenance of petroleum oil storage tanks including ships	3.1 cargo residue, washing water and sludge containing oil 3.2 cargo residue and sludge containing chemicals 3.3 Sludge and filters contaminated with oil 3.4 Ballast water containing oil from ships

4.	Petroleum refining or re-processing of used oil or recycling of waste oil	4.1 Oil sludge or emulsion 4.2 Spent catalyst 4.3 Slop oil 4.4 Organic residue from processes 4.5 Spent clay containing oil
5.	Industrial operations using mineral or synthetic oil as lubricant in hydraulic systems or other applications	5.1 Used or spent oil 5.2 Wastes or residues containing oil 5.3 Waste cutting oils
6.	Secondary production and / or industrial use of zinc	6.1 Sludge and filter press cake arising out of production of Zinc Sulphate and other Zinc Compounds. 6.2 Zinc fines or dust or ash or skimmings in dispersible form 6.3 Other residues from processing of zinc ash or skimmings 6.4 Flue gas dust and other particulates
7.	Primary production of zinc or lead or copper and other non-ferrous metals except aluminium	7.1 Flue gas dust from roasting 7.2 Process residues 7.3 Arsenic-bearing sludge 7.4 Non-ferrous metal bearing sludge and residue. 7.5 Sludge from scrubbers
8.	Secondary production of copper	8.1 Spent electrolytic solutions 8.2 Sludge and filter cakes 8.3 Flue gas dust and other particulates
9.	Secondary production of lead	9.1 Lead bearing residues 9.2 Lead ash or particulate from flue gas 9.3 Acid from used batteries
10.	Production and/or industrial use of cadmium and arsenic and their compounds	10.1 Residues containing cadmium and arsenic
11.	Production of primary and secondary aluminium	11.1 Sludges from off-gas treatment 11.2 Cathode residues including pot lining wastes 11.3 Tar containing wastes 11.4 Flue gas dust and other particulates 11.5 Drosses and waste from treatment of salt sludge 11.6 Used anode butts 11.7 Vanadium sludge from alumina refineries
12.	Metal surface treatment, such as etching, staining, polishing, galvanizing, cleaning, degreasing, plating, etc.	12.1 Acidic and alkaline residues 12.2 Spent acid and alkali 12.3 Spent bath and sludge containing sulphide, cyanide and toxic metals 12.4 Sludge from bath containing organic solvents 12.5 Phosphate sludge 12.6 Sludge from staining bath 12.7 Copper etching residues 12.8 Plating metal sludge
13.	Production of iron and steel including other ferrous alloys (electric furnace: steel rolling and finishing mills: Coke oven and by products plant)	13.1 Spent pickling liquor 13.2 Sludge from acid recovery unit 13.3 Benzol acid sludge 13.4 Decanter tank tar sludge 13.5 Tar storage tank residue 13.6 Residues from coke oven by product plant.
14.	Hardening of steel	14.1 Cyanide-, nitrate-, or nitrite -containing sludge 14.2 Spent hardening salt
15.	Production of asbestos or asbestos-containing materials	15.1 Asbestos-containing residues 15.2 Discarded asbestos 15.3 Dust or particulates from exhaust gas treatment.
16.	Production of caustic soda and chlorine	16.1 Mercury bearing sludge generated from mercury cell process 16.2 Residue or sludges and filter cakes 16.3 Brine sludge
17.	Production of mineral acids	17.1 Process acidic residue, filter cake, dust 17.2 Spent catalyst
18.	Production of nitrogenous and complex fertilizers	18.1 Spent catalyst 18.2 Carbon residue

		18.3 Sludge or residue containing arsenic 18.4 Chromium sludge from water cooling tower
19.	Production of phenol	19.1 Residue or sludge containing phenol 19.2 Spent catalyst
20.	Production and/or industrial use of solvents	20.1 Contaminated aromatic, aliphatic or naphthenic solvents may or may not be fit for reuse. 20.2 Spent solvents 20.3 Distillation residues 20.4 Process Sludge
21.	Production and/or industrial use of paints, pigments, lacquers, varnishes and inks	21.1 Process wastes, residues and sludges 21.2 Spent solvent
22.	Production of plastics	22.1 Spent catalysts 22.2 Process residues
23.	Production and /or industrial use of glues, organic cements, adhesive and resins	23.1 Wastes or residues (not made with vegetable or animal materials) 23.2 Spent solvents
24.	Production of canvas and textiles	24.1 Chemical residues
25.	Industrial production and formulation of wood preservatives	25.1 Chemical residues 25.2 Residues from wood alkali bath
26.	Production or industrial use of synthetic dyes, dye-intermediates and pigments	26.1 Process waste sludge/residues containing acid, toxic metals, organic compounds 26.2 Dust from air filtration system 26.3 Spent acid 26.4 Spent solvent 26.5 Spent catalyst
27.	Production of organic-silicone compound	27.1 Process residues
28.	Production/formulation of drugs/pharmaceutical and health care product	28.1 Process Residue and wastes 28.2 Spent catalyst 28.3 Spent carbon 28.4 Off specification products 28.5 Date-expired products 28.6 Spent solvents
29.	Production and formulation of pesticides including stock-piles	29.1 Process wastes or residues 29.2 Sludge containing residual pesticides 29.3 Date-expired and off-specification pesticides 29.4 Spent solvents 29.5 Spent catalysts 29.6 Spent acids
30.	Leather tanneries	30.1 Chromium bearing residue and sludge
31.	Electronic Industry	31.1 Process residue and wastes 31.2 Spent etching chemicals and solvents
32.	Pulp and Paper Industry	32.1 Spent chemicals 32.2 Corrosive wastes arising from use of strong acid and bases 32.3 Process sludge containing adsorbable organic halides(AO _x)
33.	Handling of hazardous chemicals and wastes	33.1 Empty barrels/containers/liners contaminated with hazardous chemicals /wastes 33.2 Contaminated cotton rags or other cleaning materials
34.	De-contamination of barrels / containers used for handling of hazardous wastes/chemicals	34.1 Chemical-containing residue arising from decontamination. 34.2 Sludge from treatment of waste water arising out of cleaning / disposal of barrels / containers
35.	Purification and treatment of exhaust air/gases, water and waste water from the processes in this schedule and common industrial effluent treatment plants (CETP's)	35.1 Exhaust Air or Gas cleaning residue 35.2 Spent ion exchange resin containing toxic metals 35.3 Chemical sludge from waste water treatment 35.4 Oil and grease skimming 35.5 Chromium sludge from cooling water
36.	Purification process for organic compounds/solvents	36.1 Any process or distillation residue 36.2 Spent carbon or filter medium

37.	Hazardous waste treatment processes, e.g. pre-processing, incineration and concentration	37.1 Sludge from wet scrubbers 37.2 Ash from incinerator and flue gas cleaning residue 37.3 Concentration or evaporation residues
38.	Chemical processing of Ores containing heavy metals such as Chromium, Manganese, Nickel, Cadmium etc.	38.1 Process residues 38.2 Spent acid

* The inclusion of wastes contained in this Schedule does not preclude the use of Schedule II to demonstrate that the waste is not hazardous. In case of dispute, the matter would be referred to the Technical Review Committee constituted by Ministry of Environment, Forest and Climate Change.

Note: The high volume low effect wastes such as fly ash, Phosphogypsum, red mud, jarosite, Slags from pyrometallurgical operations, mine tailings and ore beneficiation rejects are excluded from the category of hazardous wastes. Separate guidelines on the management of these wastes shall be issued by Central Pollution Control Board.

SCHEDULE II

[See rule 3 (1) (17) (ii)]

List of waste constituents with concentration limits

Class A: Based on leachable concentration limits [Toxicity Characteristic Leaching Procedure (TCLP) or Soluble Threshold Limit Concentration (STLC)]

Class	Constituents	Concentration in mg/l
(1)	(2)	(3)
A1	Arsenic	5.0
A2	Barium	100.0
A3	Cadmium	1.0
A4	Chromium and/or Chromium (III) compounds	5.0
A5	Lead	5.0
A6	Manganese	10.0
A7	Mercury	0.2
A8	Selenium	1.0
A9	Silver	5.0
A10	Ammonia	50*
A11	Cyanide	20*
A12	Nitrate (as nitrate-nitrogen)	1000.0
A13	Sulphide (as H ₂ S)	5.0
A14	1,1-Dichloroethylene	0.7
A15	1,2-Dichloroethane	0.5
A16	1,4-Dichlorobenzene	7.5
A17	2,4,5-Trichlorophenol	400.0
A18	2,4,6-Trichlorophenol	2.0
A19	2,4-Dinitrotoluene	0.13
A20	Benzene	0.5
A21	Benzo (a) Pyrene	0.001
A22	Bromodichloromethane	6.0
A23	Bromoform	10.0
A24	Carbon tetrachloride	0.5
A25	Chlorobenzene	100.0
A26	Chloroform	6.0
A27	Cresol (ortho+ meta+ para)	200.0
A28	Dibromochloromethane	10.0
A29	Hexachlorobenzene	0.13
A30	Hexachlorobutadiene	0.5
A31	Hexachloroethane	3.0
A32	Methyl ethyl ketone	200.0