

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

OA/106/25/EZ

Earlier

OA/233/2025/PB

IN THE MATTER OF:

News item titled "Villagers demanding shifting of silicon factory from Niglok IGC appearing in The Arunachal Times dated 28.04.2025.

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

ORIGINAL APPLICATION No. 233/2025

IN THE MATTER OF:

News item titled "Villagers demanding shifting of silicon factory from Niglok IGC appearing in The Arunachal Times dated 28.04.2025.

**AFFIDAVIT ON BEHALF OF RESPONDENT NO. 2, ARUNACHAL PRADESH
STATE POLLUTION CONTROL BOARD IN COMPLIANCE OF ORDER DATED
13.05.2025.**

1. I, Mrs. Koj Rinya, IFS daughter of Late Koj Tajang, aged about 45 years working as Member Secretary, Arunachal Pradesh State Pollution Control Board, and am duly authorized by competent authority to make this reply on behalf of the Respondent No-02, Arunachal Pradesh State Pollution Control Board, and here by solemnly state and affirm as follows :-
2. That, I have gone through the order dated 13.05.2025 passed by Hon'ble National Green Tribunal, Principal Bench, New Delhi and understood the contents there in. I have been duly authorized by the competent authority to swear this affidavit on behalf of Respondent No-02. Further, it is stated that I have gone through the relevant files and records.
3. The present Affidavit is being filed in pursuance and compliance of the direction issued by the Hon'ble National Green Tribunal, Principal Bench and which has now been transferred to the Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata vide order dated 13.05.2025 .

[Signature]
Executive Magistrate
Law, Legislative & Justice Deptt
Civil Secretariat, Itanagar
Arunachal Pradesh

[Signature]
Member Secretary
APSPCB, Nig.





4. The action taken by Arunachal Pradesh State Pollution Control Board (hereinafter referred to as APSPCB) is as follows:

The Officers of APSPCB conducted site inspection of M/s Aether Alloys LLP located at Industrial Growth Center Niglok, PO/PS Ruksin, East Siang District, Arunachal Pradesh on 08.06.2024. During the time of inspection the industry was functioning properly with all the Air Pollution Control Devices (APCDs). No air pollution was observed during the time of inspection.

Upon enquiry by the inspecting team, it was informed by the technical representatives of the industry that, the impeller set housing and bearings of the Gas Control Plant (GCP) of the industry broke down on 1st April, 2025 and same was replaced and installed on 4th June, 2025.

The industry continued the production activity despite the damaged impeller set housing and bearings of Furnace-2 leading to air pollution.

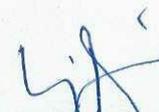
The Inspection Report of APSPCB team is marked and enclosed as **ANNEXURE-A.**

The industry has been issued direction which is marked and enclosed as **ANNEXURE-B.**

The industry has been levied Environmental Compensation Charges (CCs) for continuing production activities despite breakdown of impeller causing air pollution due to breakdown of impeller set housing and bearings of Gas Control Plant(GCP) since 1st April,2025 till 4th June,2025.

The determination of Environmental Compensation Charges (ECCs) is marked and enclosed as **ANNEXURE-C.**


Executive Magistrate
Law Legislative & Justice Deptt
Civil Secretariat, Itanagar
Arunachal Pradesh


Member Secretary
APSPCB, Nlg.



That the statements made in foregoing paragraphs are true to my knowledge and belief.



[Handwritten signature]

Member Secretary
Arunachal Pradesh SPCB

**Member Secretary
APSPCB, Nlg.**

VERIFICATION:

I the deponent above named do hereby verified at Naharlagun on this.....^{14th} day of July, 2025 that the contents of my reply affidavit are true and correct to the best of my knowledge and belief. No part of the same is false and no material has been concealed therefrom.,

Present before me
[Signature]
Sworn before me

[Handwritten signature]

Member Secretary
Arunachal Pradesh SPCB

**Member Secretary
APSPCB, Nlg.**

Executive Magistrate
Law, Legislative & Justice Deptt
Civil Secretariat, Itanagar
Arunachal Pradesh

SITE INSPECTION REPORT

1.0	Name and complete postal Address of the Company	M/s Aether Alloys LLP Industrial Growth Center, Niglok-Ngorlung PO/PS Ruksin, East Siang District Arunachal Pradesh
2.0	Name of the Partner	Shri Karan Sharma
3.0	Date of Inspection	08.06.2025
4.0	Name of the official visiting the unit	1. Shri Jumli Kato, Scientist-B 2. Shri DaniMobing, Junior Scientific Assistant
5.0	Operational Status	Operational
6.0	Status of Consent	Valid upto 13.12.2026
7.0	Name of the emission control units	Gas Control Plant (GCP) which typically involve a system of hoods, ducts, heat exchangers, Electrostatic Precipitators (ESPs), ID Fan, cyclone separators and filtration units to capture, cool and clean the furnace off-gases before releasing them into the atmosphere.
7.1	Operational Status	Operational
7.2	Status of consent under Air Act, 1981	Valid upto 13.12.2026
8.0	Type of Disposal Facility Existing	<u>Hazardous Wastes</u> 1. Silica Dust (IS15388) 2. Spent Oil The collected Silica dust is stored in a shed within the premises. This will be then sold to the vendors outside the state. The generated spent oil is used a lubricant within the unit.
8.1	Status of the Authorization under Hazardous and Other Waste (Management and Transboundary Movement) Rules, 2016	No Authorization obtained till date.
8.2	Implementation of MSHC Rules, 1989	Not applicable
8.3	Status of import of Manufacture of Hazardous Chemicals	Not applicable
8.4	Status of On-site Emergency Plan and its submission to SPCB	Not submitted
9.0	Applicability of Bio-Medical Waste Rules, 2016	Not applicable as the medical cases are referred to the nearest Health Care Facility (HCF)
10.0	Over all Observations	<ul style="list-style-type: none"> The unit produces Ferro silicon and the installation capacity is 2129.66 MTM. There are two submerged electric arc furnace of 9 MVA each.

Jumli Kato

Dani Mobing



		<ul style="list-style-type: none"> • The road within the premises is not pitched. • No proper shed for storing of raw materials and silica fumes/dust was observed. • No fugitive emission was observed during the time of inspection of the unit. • The stack of the industry has a proper ladder and platform for stack monitoring. • The unit is installing Online Continuous Stack Monitoring (OCEMS) System. Final work is underway.
11.0	<p>Cases: A <i>suo motto</i> case in Original Application No.233/2025 before the Hon'ble National Green Tribunal, Eastern Zone Bench. Kolkata in the matter of News item titled "Villagers demanding shifting of silicon factory from Niglok IGC appearing in the Arunachal times dated 28.04.2025 wherein in is alleged that the Silicon Factory (M/s Aether Alloys LLP) located IGC Niglok is causing air pollution thereby violating Environment(Protection) Act,1986, Air(Prevention and Control of Pollution) Act,1981.</p>	<p>During the time of site inspection, the technical team of M/s Aether Alloys LLP , the alleged Ferro Silicon Unit informed the inspecting team, the followings:</p> <p>(A) <u>Furnace-1(F1)</u></p> <ul style="list-style-type: none"> • <u>10th December, 2024</u>-inugration and commission of Furnace-1. • <u>January 2025</u>- Hot Tapping initiated followed by Gas Control Plant (GCP) cold trial (15-20 days). • <u>February,2025</u>-Completion of GCP insulation. • <u>March,2025</u>: Successful GCP commissioning completed <p><u>Furnece-2 (F2)</u></p> <ul style="list-style-type: none"> • <u>January 2025</u>- Operation of Furence-2 commenced. • <u>February,2025</u>- Hot metal production started. • <u>March,2025-GCP</u>- Cold trial and insulation conducted. • <u>April, 2025</u>-During the CGP trial run, a failure was observed in the Impeller Set Housing and Bearing. • <u>4th June,2025</u>: Impeller set Housing and Bearings was successfully installed.
12.0	Recommendations:	<ul style="list-style-type: none"> • The industry shall operate the furnace only with APCDs in operational condition for controlling air pollution from SEAFs. • The industry shall construct proper shed for storage of raw materials and silica fumes/dust. • The industry shall under take regular

Inspected

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		<p>water sprinkling to control fugitive emission.</p> <ul style="list-style-type: none"> • The industry shall under take extensive plantation in and around industry premises. • The damaged Impeller set up of GCP of Furnace-2 broke down on 1st April, 2025 and was later successfully re-installed on 4th June, 2025. Therefore, Environmental Compensation has to be levied against the industry i.e M/s Aether Alloy LLP for causing air pollution for 65 days.
13.0	Calculation of Environmental Charges (ECC)	<p>The Hon'ble National Green Tribunal has unambiguously directed the State Pollution Control Boards and Central Pollution Control Board to levy Environmental Compensation on violation of environmental norms by the industries/units.</p> <p>So, accordingly, Arunachal Pradesh State Pollution Control Board has determined Environmental Compensation (EC) for violation of environmental norms due to failure in the impeller set housing and bearing of the Gas Control Plant (GCP) of M/s Aether alloys LLP located at IGC Niglok-Ngorlung, PO/PS Ruksin, East Siang District, Arunachal Pradesh.</p> <p>Accordingly the Environmental Compensation (EC) is determined as below:</p> <p>:</p> $EC = PI \times N \times R \times S \times LF$ <p>Where:</p> <p>PI = Pollution Index of the industrial unit (80 for Red, 50 for Orange and 30 for Green)</p>

Tumikatta

Chawan



		<p>N = Number of days of violation</p> <p>R = Rupees is taken as 250 for EC</p> <p>S = Factor for scale of operation (0.5 for micro, 1.0 for small and 1.5 for large)</p> <p>L = Location factor is taken as 1.0</p> <p>The Ferro Alloy Industry comes under Orange category of industry, so, "PI" is taken as 50. The number of days of violation is taken from the date disruption of impeller and bearing of Gas Control Plant (GCP) of Furnace-2 i.e 01/04/.2025 to the date of successful installation of impeller set and bearings of Furnace-2 i.e. 04.06.2025. Therefore, "N"=65 days. The Rupees (R) is taken as 250. The factor of scale of operation is large (since the capital investment is more than Rs. 50 crore), so "S" is taken as 1.5. The location factor (Population of town/city) is below one million, so "L" is taken as 1.0.</p> <p>Therefore,</p> $EC = PI \times N \times R \times S \times LF$ $= 50 \times 65 \times 250 \times 1.5 \times 1.0$ $= 12,18,750/- (\text{Rupees Twelve Lakhs Eighteen Thousand Seven Hundred Fifty only})$
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Name & Signature of inspecting Officer:

Sl. No	Name of the Officer	Designation	Signature
1.	Shri Jumli Kato	Scientist-B	
2.	Shri Dani Mobing	Junior Scientific Assistant	



Picture-1: M/s Aether Alloys LL P (A Ferro Silicon Factory) located at Industrial Growth Center-Niglok-Ngorlung, PO/PS Ruksin, East Siang District, Arunachal Pradesh.



Picture-2: Inspection Team of Arunachal Pradesh State Pollution Control Board visited the factory (M/s Aether Alloys LLP) on 08.06.2025 to ascertain the allegation of air pollution caused due to operation of the Ferro silicon Factory.

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[Signature]

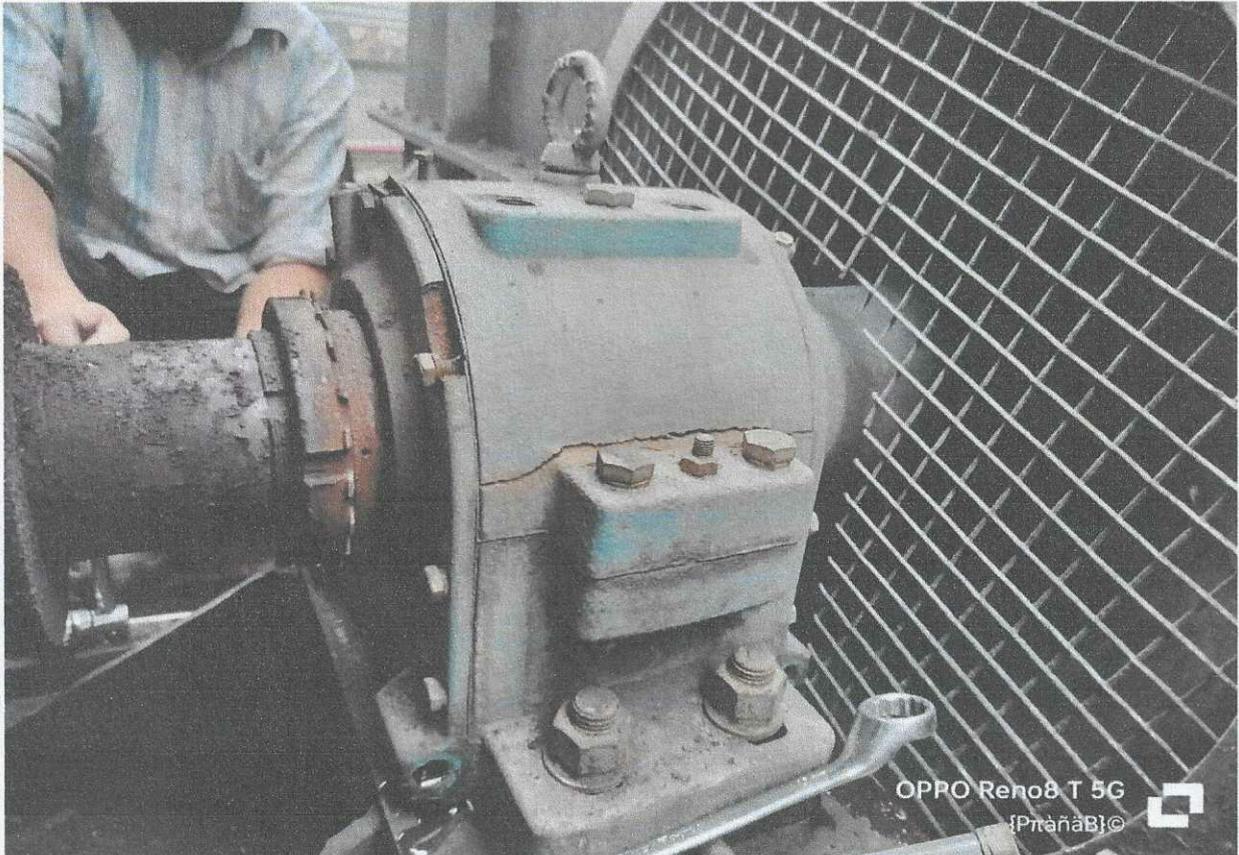


Picture-3: The stack/chimney of the Ferro silicon factory with ladder and stack monitoring platform as per CPCB specification. No much emission was observed during the time of inspection on 08.06.2025.



Picture-4: Control Panel of Pollution Control Equipments at M/s Aether Alloys LLP, Industrial Growth Center, Niglok.

Immuniteles *Wharings*



Picture-5: The damaged impeller set of Gas Control Plant (GCP) of the furnace -2 that led to air pollution in the factory.



Picture-6: New impeller set of Gas Control Plant (GCP) is under installation at M/s Aether Alloys LLP before 04.06.2025. The photograph has been collected from the Factory officials.

Jankikatta *W. S. Srinivas*



Picture-7: Bag Filters (Pollution Control Equipment) wherein the Silica dust (Silica fumes) are collected in gunny bags.



Picture-8: The inspection team of Arunachal Pradesh State Pollution Control Board (APSPCB) and personnel of M/s Aether Alloys LLP at Industrial Growth Center, Niglok, East Siang District.

J. Umilikatto *A. Subhins*



Picture-9: The Submerged Electric Arc Furnace (SEAF) of M/s Aether Alloys LLP. No fugitive emission was observed during the time of inspection.



Picture-10: Tapping pond of the Ferro Silicon factory where the molten Ferro silicon is removed from the Submerged Electric Arc Furnace (SEAF).

Jumilal

W. Singh

GOVERNMENT OF ARUNACHAL PRADESH
ARUNACHAL PRADESH STATE POLLUTION CONTROL BOARD
PARYAVARAN BHAWAN, YUPIA ROAD, PAPU HILLS
NAHARLAGUN

No. APSPCB-298/2018/AALLP/ 1522 - 26

Date: 14/07/2025

DIRECTION

WHEREAS, M/s Aether Alloys LLP (hereinafter referred to as the industry) located at Industrial Growth Center Niglok-Ngolung, PO//PS Ruksin, East Siang District, Arunachal Pradesh is a Ferro alloy (Ferro Silicon) manufacturing industry. The industry has 2 (Two) nos. of Submerged Electric Arc Furnace (2 X 9 MVA).

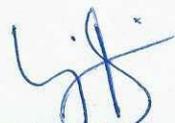
AND WHEREAS, a suo motto case is pending before the Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata in Original Application No.233/2025 in the matter of News item titled "Villagers demanding shifting of silicon factory from Niglok ICG appearing in The Arunachal Times dated 28.04.2025.

AND WHEREAS, the industry was inspected by the officers of Arunachal Pradesh State Pollution Control Board (hereinafter referred to as the Board) on 08.06.2025 and reported that industry was functioning with damaged impeller set of Gas Control Plant (GCP) in Furnace-2 since 1st April, 2025 till 4th June, 2025.

AND WHEREAS, the industry continued the production activities even after the damage of the impeller set and bearings of Furnace-2 till 4th June, 2025, thereby causing air pollution in the industry premises.

NOW, THEREFORE, in exercise of power conferred under Section 31 A & Section 37 of Air (Prevention and Control of Pollution) Act, 1981, M/s Aether Alloys LLP is directed as follows:

1. The industry shall operate the furnaces only with Air Pollution Control Devices (APCD) in operational condition for controlling air pollution from Submerged Electric Arc Furnace (SEAFs).
2. The industry shall undertake extensive plantation in and around industry premises.
3. The industry shall under take regular water sprinkling to control fugitive emission.
4. The industry shall store raw material and silica fumes/dust under covered shed only.


Member Secretary
APSPCB, Nlg.



5. The industry shall install online continuous stack monitoring system (OCEMS) with data transmitted in real-time to State Pollution Control Board (APSPCB) and Central Pollution Control Board (CPCB).
6. The industry shall deposit Environmental Compensation Charges (ECC) of Rs. 12,18,750/- (Rupees Twelve Lakhs Eighteen Thousand Seven Hundred Fifty) by way of Demand Draft within 10 (Ten) days from the date of issue of this direction in favour of Member Secretary, APSPCB and payable at SBI, Naharlagun for operating the industry even after the disruption of impeller set of Furnace-2 and thereby causing air pollution.


 (Koj Rinya, IFS)
 Member Secretary

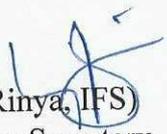
**Member Secretary
APSPCB, Nlg.**

To,


 Shri Karan Sharma (Partner)
 M/s Aether Alloys LLP
 Industrial Growth Center-Niglok-Ngorlung
 PO/PS Ruksin, East Siang District
 Arunachal Pradesh

Copy to:

1. US to Ld Chief Secretary, Itanagar, Government of Arunachal Pradesh for kind information
2. PS to PCCF & HoFF (EF & CC), Itanagar, Government of Arunachal Pradesh for kind information.
3. The Deputy Commissioner, Pasighat, East Siang District, Government of Arunachal Pradesh for kind information.
4. The Additional Deputy Commissioner, Ruksin, East Siang District, Government of Arunachal Pradesh for kind information.
5. Office copy


 (Koj Rinya, IFS)
 Member Secretary

**Member Secretary
APSPCB, Nlg.**



ANNEXURE - C

Determination Of Environment Compensation Charges against M/s Aether Alloys LLP, IGC Niglok, Po/Ps Ruksin, East Siang District, Arunachal Pradesh.

The Hon'ble National Green Tribunal (NGT) in the matter of Original Application No.593/2017(WP (CIVIL) and No. 375/2012 in the matter of Paryavaran Suraksha Samiti & Anr- versus-Union of India & Ors has directed the State Pollution Control Boards and Central Pollution Control Board to levy Environmental Compensation on violation of environmental norms by the industries/units.

So, accordingly, Arunachal Pradesh State Pollution Control Board has determined Environmental Compensation (EC) for violation of environmental norms due to failure in the impeller set housing and bearing of the Gas Control Plant (GCP) of M/s Aether Alloys LLP located at IGC Niglok-Ngorlung, PO/PS Ruksin, East Siang District, Arunachal Pradesh thereby causing air pollution since 1st April, 2025 till 4th June, 2025

Accordingly the Environmental Compensation (EC) is determined as below:

$$EC = PI \times N \times R \times S \times LF$$

Where:

PI = Pollution Index of the industrial unit (80 for Red, 50 for Orange and 30 for Green)

N = Number of days of violation

R = Rupees is taken as 250 for EC

S = Factor for scale of operation (0.5 for micro, 1.0 for small and 1.5 for large)

L = Location factor is taken as 1.0

The Ferro Alloys industries come under Orange category of industry, so, "PI" is taken as 50. The number of days of violation is taken from the date of failure of impeller set housing and bearing i.e 01.04.2025 to successful installation of impeller set and housing i.e. 04.06.2025.


Member Secretary
APSPCB, Nlg.



Therefore, "N"=65 days. The Rupees (R) is taken as 250. The factor of scale of operation is large (since the capital investment is more than Rs. 50 crore), so "S" is taken as 1.5. The location factor (Population of town/city) is below one million, so "L" is taken as 1.0.

Therefore,

$$EC = PI \times N \times R \times S \times LF$$

$$= 50 \times 65 \times 250 \times 1.5 \times 1.0$$

$$= 12,18,750/- \text{ (Rupees Twelve Lakhs Eighteen Thousand Seven Hundred Fifty) only}$$


(Koj Rinya, IFS)
Member Secretary

Member Secretary
APSPCB, Nlg.