

**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE KOLKATA BENCH
Original Application No.43 of 2024/EZ.**

Akash Kalo Petitioner / Appellant

Vs.

M/s. JSW Bhushan Power and
Steel Limited & Ors. Respondent / Defendant

INDEX

Sl. No.	Description of the documents	Page Nos.
1.	Supplementary Affidavit.	1-5
2	<u>ANNEXURE-R3/7 Colly</u> Photocopy of the Inspection Report dtd.24.06.2025 along with the Analysis Reports..	6-16

SPCB Odisha, R.No.3

Through



Smt Papiya Banerjee Bihani,
Advocates for the Respondent No.3
(State Pollution Control Board, Odisha)
e-mail: pbanerjeebihani@gmail.com

Kolkata

Date:

**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE KOLKATA BENCH
Original Application No.43 of 2024/EZ.**

22 JUL 2025

Akash Kalo Petitioner / Appellant

Vs.

M/s. JSW Bhushan Power and Steel Limited & Ors.Respondent / Defendant

AFFIDAVIT ON BEHALF OF STATE POLLUTION CONTROL BOARD, RESPONDENT NO.3 IN COMPLIANCE TO ORDER DTD.14.05.2025 OF THIS HON'BLE TRIBUNAL.

I, Smt. Uma Nanduri, IFS, wife of Sri Prem Kumar Jha, IFS aged around 58 years, at present working as Member Secretary, State Pollution Control Board, having my office at Paribesh Bhawan, A/118, Nilakantha Nagar, Unit-VIII, P.O. Nayapalli, Bhubaneswar, Dist – Khurda, Odisha-751012, do hereby solemnly affirm and state as under:



1. That I am the Member Secretary of the Respondent No.3 Board and, as such, am well-acquainted with the facts and circumstances with the case and competent to swear this affidavit.
2. That this Hon'ble Tribunal in their order dtd.14.05.2025 permitted the Board for filing affidavit with regard to computation of environmental compensation and also to examine the issue with regard to the submission of the learned counsel of the applicant that tailing ponds are not lined with polythene sheets even though the inspection report mentions that the ponds are lined with HDPE Sheets and in reference to his submission, the learned counsel of the applicant referred to the paragraph filed by him vide Annexure-A Colly.
3. That it is humbly submitted that with regard to the computation of environmental compensation, as per the report of the CPCB –n-house committee on methodology for assessing environmental compensation, certain cases shall be considered for levying Environmental Compensation (EC)



Among them one criteria, which can be applicable, in this case is as following.

- Not complying with the direction issued, such as direction of closure due to non-installation of OCEMS non-adherence to action plans submitted etc.

EC shall be computed based on the formula formulated by CPCB

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

PI = Pollution Index (Red:80, Orange:50, Green:30)

N = Number of days of violation (period between the date violation observed / due date of direction of compliance and the date of compliance verified by SPCB/CPCB/PCC)

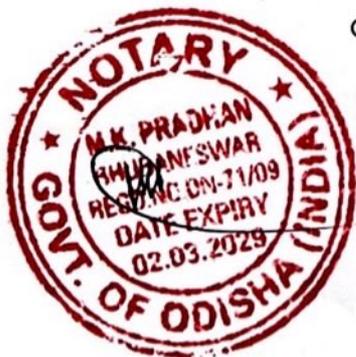
R = Factor in Rupees (Min:100, Max:500, Suggested: 250)

S = Factor of scale of operation (Micro / Small : 0.5, Medium: 1.0, Large: 1.5)

LF = Location Factor (1.0 if industry located more than 10 km from municipality, 1.0 for the city having population less than 1 million)

Considering the above, it may be inferred that though no "non-adherence to action plan submitted" has been found in this case. However, the unit has taken action and complied with the previous direction issued by the Board as observed on 06.01.2025. Hence, no environmental compensation may be imposed against the unit.

4. That with regard to the submissions of the learned counsel of the appellant about the tailing pond as indicated in the order dtd.14.05.2025 at para-4, it is humbly submitted that



regarding lining of tailing ponds with HDPE liners. Out of all tailing ponds, the liners at Ponds No.2, 3, and 5 were visible on the sides indicating the existence of the provision. Tailing pond-12 was observed to have HDPE lining across the base and sides and it was visible as it was not used yet. As Tailing Ponds No.4A, 4B, 1A, 1B, 1C, 9, 11, 13 and 14 were filled with legacy waste and hence the liners are not visible and provision of liners at those ponds could not be ascertained. Pond No.6, 7 and 8 are merged with pond No.5 which is lined with HDPE liner. Pond No.10 is being used as decant pond of pond No.5 where the supernatant water is collected.

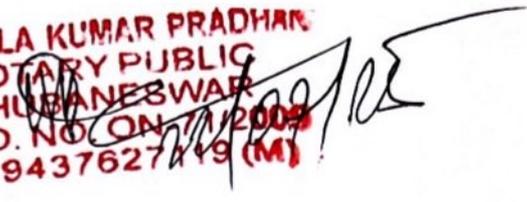
A copy of the inspection report carried out by the officials of the Regional Office of the R-3 Board on 24.06.2025 along with the Analysis Report to this effect is annexed to this affidavit and marked as ANNEXURE – R3/7 Colly.

5. That this affidavit is filed in compliance to direction dtd.14.05.2025 of this Hon'ble Tribunal.



X

MANJULA KUMAR PRADHAN
NOTARY PUBLIC
BHUBANESWAR
REGD. NO. ON-71/2009
PH - 9437627119 (M)



- 6. That the Respondent No.3 Board craves the leave of this Hon'ble Tribunal to file further affidavit if necessary for proper adjudication of the case.
- 7. That the annexure annexed to the present affidavit is true and correct copy of its original.
- 8. That the contents of the above paragraphs are true and correct to the best of my knowledge, as derived from the official records, and that nothing material has been concealed therefrom.


DEPONENT
 Member Secretary
 State Pollution Control Board
 Odisha, Bhubaneswar

VERIFICATION:

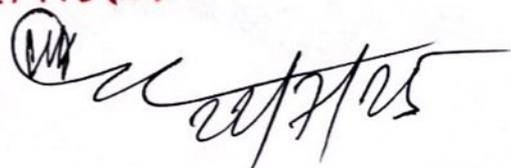
I, the above named deponent, do hereby verify that the contents of the above affidavit are true and correct to the best of my knowledge, as derived from official records, and that nothing material has been concealed therefrom.

Verified at Bhubaneswar on this the 22nd day of July, 2025.

SWORN BEFORE ME

MANJULA KUMAR PRADHAN
NOTARY PUBLIC
BHUBANESWAR
REGD. NO. ON-71/2009
PH - 9437627119 (M)


DEPONENT
 Member Secretary
 State Pollution Control Board
 Odisha, Bhubaneswar



ANNEXURE-R3/7 Colly

Inspection report of visit regarding verification of observations of the Hon'ble NGT in the matter of O.A. No. 43/2024/EZ – Akash Kalo & Others – Vrs. M/s. JSW Bhusan Power and Steel Limited, At- Thelkoloi, PO- Lapanga, Dist.- Sambalpur, Odisha

In pursuance of the order dtd. 14.05.2025 of the Hon'ble NGT, EZB, Kolkata in the matter of O.A. No. 43/2024/EZ – Akash Kalo & others – Vrs. JSW (BPSL) Power and Steel Limited & Ors., the industry site was visited and inspected on dtd. 24.06.2025 by the officials of Regional Office, SPCB, Sambalpur, Odisha. Sri Saurabh Singh, GM-Environment and Sri Niranjana Parida, Sr. Mgr, Environment, M/s. Bhusan Power & Steel Ltd., Sambalpur were present during the visit along with other representatives of the industry.

Background of the industry:

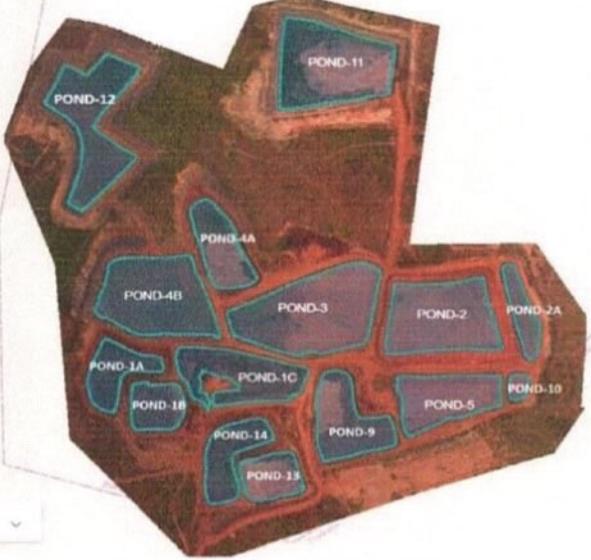
M/s. Bhushan Power & Steel Limited, Sambalpur is operating an integrated steel plant of capacity 4.5 MTPA with a captive power plant of 506 MW at village Thelkoloi, PO- Lapanga, Tahasil: Rengali under Sambalpur district. The Company has valid consent to operate issued by OSPCB vide letter no. 6530/IND-I-CON-4650, dated 28.03.2025 valid till 31.03.2026.

Tailing is a mixture of crushed rock and processing fluids from mills washeries or concentrators that remain after the extraction of economic metals from the mine source. It is the by-product of iron ore beneficiation. The tailing contains mainly silica, alumina, iron oxide, and calcium oxide and a small fraction of metal oxide like magnesium oxide, sodium oxide, potassium oxide, titanium oxide, etc. Tailings are heterogeneous in nature. There are 14 nos. of Tailing ponds. The tailings from the iron ore beneficiation process come into the paste thickener and the high molecular weight polymer is added into the paste thickener to concentrate the tailings and clarified water from the paste thickener is taken back into the beneficiation process. The tailings stored in the tailing ponds are sun-dried and taken back into both the sinter plants and small amounts of water from the tailing yard is taken back into the beneficiation plant.

Observations:

Following observations were made by the committee during the visit with regard to the points stipulated in the order dtd. 14.05.2025,

Sl.no.	Points in order dtd. 14.05.2025	Observations
1.	Ms. Papiya Banerjee Bihani, learned Counsel who is present in Court, states that for purposes of computing Environmental Compensation, a committee has been constituted by the State Pollution Control Board, Odisha. She prays for and is granted further three weeks' time for filing counter-affidavit.	No comment.
2.	Mr. Batakrisna Behera, learned Counsel for the Applicant submits that the tailing ponds are not lined with polythene sheets even though the Inspection Report mentions that the ponds are lined with HDPE sheets. Learned Counsel has specifically referred to the photographs filed by him at Page No. 13 (Annexure-'A' colly)	To verify the same, the site was visited, and it was observed that Tailing ponds were filled with tailings for sun drying. However, it was observed that the sides of Pond No.-2, Pond No.-3 and Pond No.-5 were exposed, and the HDPE lining were visible. But the base of these above ponds could not be assessed due to presence of tailings. Tailing Pond No. 12 was observed to have HDPE lining across the base and the sides and it was visible as the tailing pond was not yet used.

		
3.	<p>The Odisha State Pollution Control Board shall examine this issue with reference to the photographs filed at Annexure-'A' to the Original Application within three weeks.</p>	<p>During the inspection, it was observed that Pond No. 2, Pond No. 3, and Pond No. 5 were in operation. As the sides were exposed, it was observed that the HDPE liners were visible, however, the base of the tailing ponds could not be assessed for liner during the day of visit as tailings were present.</p> <p>Pond No. 11 is not in use by the plant since last 2 years. The pond was filled with legacy tailing with growth of shrubs/plants, the presence of liners could not be assessed.</p> <p>Pond No. 12 was observed to be empty, and it was visible that the base and the sides were lined with HDPE liners. The plant representatives stated that this pond will be taken into operation soon.</p> <p>Pond No. 4A, 4B, 1A, 1B, 1C, 9, 13 and 14 as shown in the above figure is having legacy tailing with a moisture content of 15-18%. The presence of liner could not be assessed physically during the day of visit.</p> <p>Pond No. 6, 7 and 8 are merged with Pond No. 5</p>

		<p>which is lined with HDPE liner.</p> <p>Pond No. 10 is being used as decant pond of Pond No. 5 where the supernatant water is collected.</p>
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Other Observation:

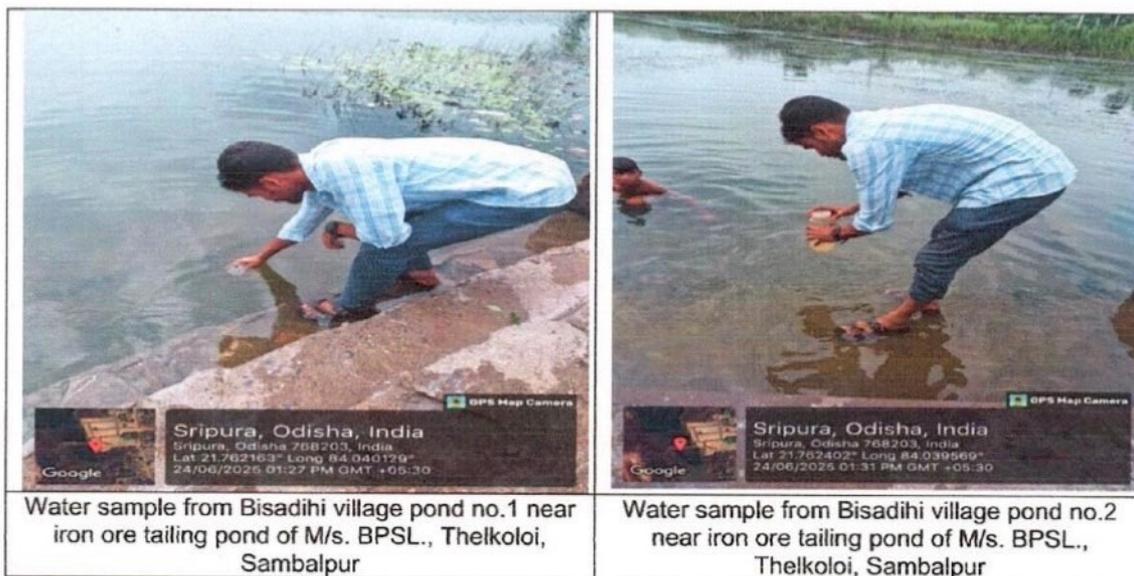
The nearby village areas were again visited and water samples were collected on 24.06.2025 from 13 (Thirteen) locations as follows:

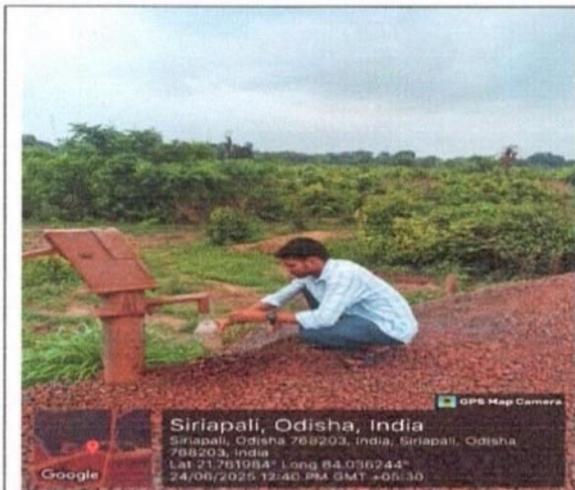
1. Water sample from Bisadihi village pond no.1 near iron ore tailing pond of M/s. BPSL., Thelkoloji, Sambalpur.
2. Water sample from Bisadihi village pond no.2 near iron ore tailing pond of M/s. BPSL., Thelkoloji, Sambalpur.
3. Ground water of Test well -1 near iron ore tailing pond-3 of M/s. BPSL., Thelkoloji, Sambalpur.
4. Ground water of test well- 2 near iron ore tailing pond-4 & 12 of M/s. BPSL., Thelkoloji, Sambalpur.
5. Ground water of Test well -3 near iron ore tailing pond-2 of M/s. BPSL., Thelkoloji, Sambalpur.
6. Ground water from tube well at Banji berna village entrance.
7. Ground water from tube well at Gandapada infront of Siba Nayak house, Bisadihi village.
8. Ground water from tube well at Govt. Primary School, Bisadihi village.
9. Ground water from tube well at Brahamanpada , Bisadihi village.
10. Ground water sample from Dug well of Santosh Kalo house, Bisadihi village.
11. Ground water sample from Tube well infront of Santosh Kalo house, Bisadihi village.
12. Ground water from tube well at Sunamal village – 1
13. Ground water from tube well at Sunamal village – 2.

The samples were sent to the Central lab, SPCB, Odisha for analysis and the analysis report is enclosed with this report. It is revealed from the analysis report that the iron in the water samples are under the prescribed standards of the Board.

Remarks:

1. The Tailing Ponds No. 2, 3, and 5 were observed to have liners on the sides. However, the liners on the base of the aforementioned ponds could not be assessed during the day of inspection, the industry shall make proper arrangements for physical verification and through supporting documentation to check the presence of HDPE liners on the base.
2. As Tailing Ponds No. 4A, 4B, 1A, 1B, 1C, 9, 11, 13 and 14 could not be assessed for the presence of HDPE liners, the industry shall make proper arrangements for physical verification and through supporting documentation to check the presence of HDPE liners.
3. Thirteen nos. of water samples were collected from different areas of the periphery village areas as mentioned above and the water samples were collected and sealed and were sent to Central Laboratory, SPCB, Bhubaneswar for analysis. **The analysis reports are enclosed.** It is revealed from the analysis report that the iron in the water samples are under the prescribed standards of the Board.

Some Photographs taken during the visit to Nearby Village areas



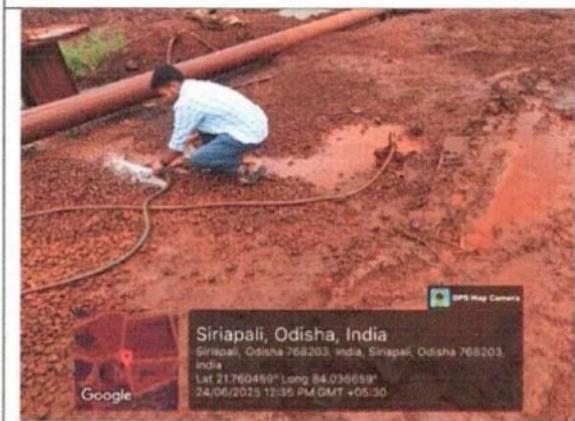
Siriapali, Odisha, India
 Siriapali, Odisha 768203, India, Siriapali, Odisha 768203, India
 Lat 21.761984° Long 84.036244°
 24/06/2025 12:40 PM GMT +05:30

Ground water of Test well -1 near iron ore tailing pond-3 of M/s. BPSL., Thelkoloi, Sambalpur



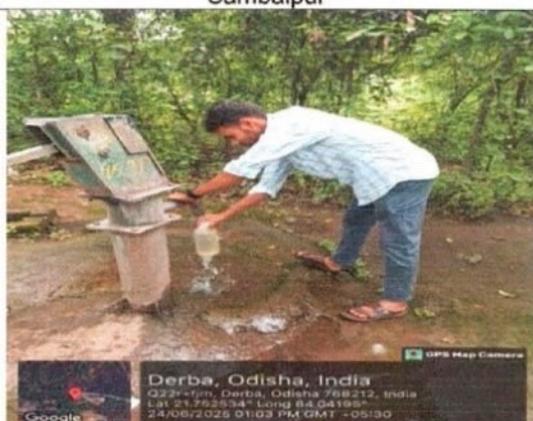
Sambalpur, Odisha, India
 Odisha, India, Sambalpur, Odisha, India
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Ground water of Test well -2 near iron ore tailing pond-4 & 12 of M/s. BPSL., Thelkoloi, Sambalpur



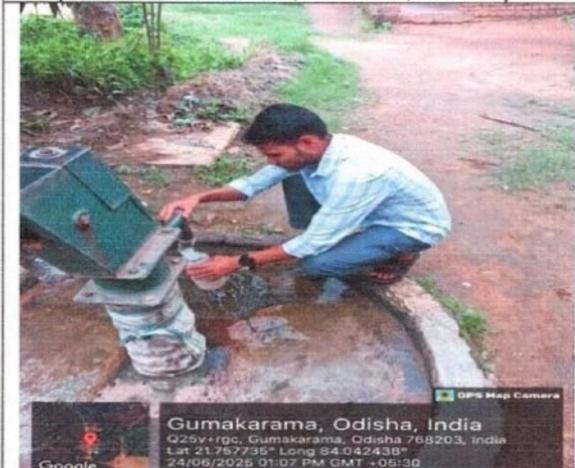
Siriapali, Odisha, India
 Siriapali, Odisha 768203, India, Siriapali, Odisha 768203, India
 Lat 21.760459° Long 84.036659°
 24/06/2025 12:35 PM GMT +05:30

Ground water of Test well -3 near iron ore tailing pond-2 of M/s. BPSL., Thelkoloi, Sambalpur



Derba, Odisha, India
 Q22r+rjm, Derba, Odisha 768212, India
 Lat 21.752534° Long 84.04195°
 24/06/2025 01:03 PM GMT +05:30

Ground water from tube well at Banji Bererna village entrance



Gumakarama, Odisha, India
 Q25v+rqc, Gumakarama, Odisha 768203, India
 Lat 21.757735° Long 84.042438°
 24/06/2025 01:07 PM GMT +05:30

Ground water from tube well at Gandapada, in front of Siba Nayak house, Bisadihi village

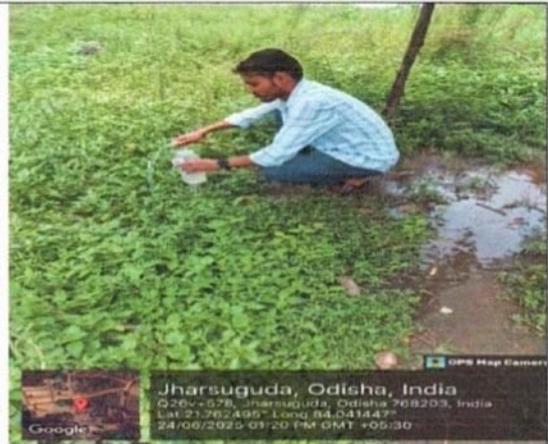


Jharsuguda, Odisha, India
 Q26v+253, Jharsuguda, Odisha 768203, India
 Lat 21.759523° Long 84.041921°
 24/06/2025 01:11 PM GMT +05:30

Ground water from tube well at Govt. Primary School, Bisadihi village



Ground water from tube well at Brahamanpada , Bisadihi village



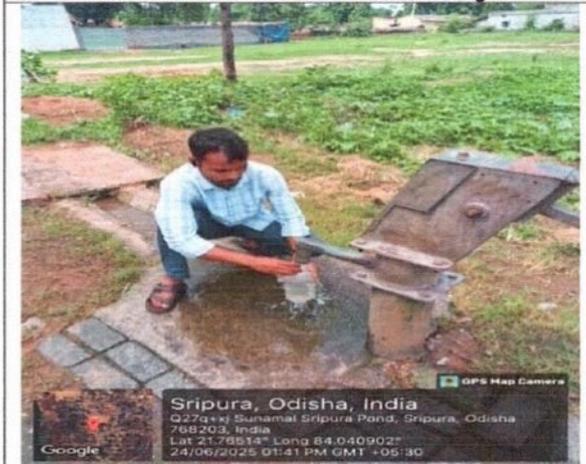
Ground water sample from Dug well of Santosh Kalo house, Bisadihi village



Ground water sample from Tube well in front of Santosh Kalo house, Bisadihi village



Ground water from tube well at Sunamal village-1



Ground water from tube well at Sunamal village-2



Decantation pond of Iron ore tailing pond-2 with HDPE liner




Asst. Env. Scientist
SPC Board, Sambalpur
 Asst. Environmental Scientist
 Regional Office of State Pollution
 Control Board, Sambalpur


Asst. Env. Engineer
SPC Board, Sambalpur
Asst. Environmental Engineer
State Pollution Control Board
Regional Office, Sambalpur



CENTRAL LABORATORY STATE POLLUTION CONTROL BOARD, ODISHA

Plot No. B-59/2 & 59/3, Chandaka Industrial Estate, Patia,
Bhubaneswar - 751 024

E-mail: centrallab@ospcboard.org



TC-12740

TEST REPORT

Page 1 of 1

1. ULR No. : TC127402500000690F
- 2 (i). Report No. : OS/ 391 /07/2025
- 3 (i) Date : 01.07.2025
- 2(ii). Amendment No :
- 3(ii) Amendment Date :
4. Sample Submitted By : Sri S.S. Patra, JSA
(Name and address) Regional Office, SPC Board, Odisha, Sambalpur,
(On behalf of Regional Officer, Sambalpur)
5. Reference Letter No. : 3248 / VI - Lab. (Misc.) -13/2018-19 dt.24.06.2025
6. Date of sample receipt : 25.06.2025
7. Sample Description:
 - (i) Discipline : Chemical testing
(Biological testing/
Chemical testing)
 - (ii) Group : Water
(Water/ Pollution and Environment)
 - (iii) Sub Group : Surface water
(Surface Water/ Ground Water/ Drinking
Water/ Wastewater / Effluent)
8. Analysis Starting Date-Analysis Completion Date : 25.06..2025 – 01.07.2025
9. If uncertainty is desired by Customer : No
10. Analysis Results :
(Attach separate sheet if necessary)

Sl. No.	Parameter, Unit	Standards/ Regulatory Limits		Test Method	Surface water samples from nearby water bodies of M/s Bhusan Power & Steel Ltd., Thekoloi	
		IS : 2296-1982 (Class 'B')*	IS : 2296-1982 (Class 'C')**		Others/ Jun - 25/ SW / 940	Others/ Jun - 25/ SW / 941
					Water sample from Bisadihi village Pond No.-1 near Iron Ore Tailing pond of M/s BPSL, Thekoloi, Sambalpur	Water sample from Bisadihi village Pond No.-2 near Iron Ore Tailing pond of M/s BPSL, Thekoloi, Sambalpur
Results						
1.	pH	6.5 - 8.5	6.5 - 8.5	4500-H ⁻ -B, APHA 23 rd Edn., 2017	6.1	5.7
2.	Total Dissolved Solids (TDS), mg/L	-	1500, max	2540 C, APHA 23 rd Edn., 2017	84.0	52.0
3.	Iron (Fe), mg/L	-	50, max	3500 Fe - B, APHA 23 rd Edn., 2017	0.132	0.588

* Tolerance limit for inland surface water subject to pollution (IS : 2296-1982), for Class 'B' (Outdoor bathing)

** Tolerance limit for inland surface water subject to pollution (IS : 2296-1982), for Class 'C' (Drinking water source with conventional treatment and followed by disinfection), Applicable for Sl. No. Others / Jun - 25/ SW / 940 & Others / Jun - 25/ SW / 941

11. Deviation from Test Method, if any : No
12. If Sampling Conducted by the Central Laboratory, Yes/ No - No
If Yes,
 - (a) Date of Sampling :
 - (b) Method Used :
 - (c) Name of Sampler with Designation :

End of Test Report

Usharani Patnaik
01-7-25

**Authorised Signatory
(Chemical Testing)**

(Water/ Wastewater)

(Dr. (Mrs.) Usharani Patnaik
(Addl. Chief Env. Scientist)

N. Niranjana Mallick
27/7/25

Board Analyst

(Sri Niranjana Mallick)
(OSD-cum- Chief Env. Scientist)

Note :

- (i) The results stated above relate only to the items tested.
- (ii) This report shall not be reproduced in full or in part without written approval from the In-charge of the Central Laboratory.
- (iii) The laboratory is not responsible for the authenticity of photocopied Test Reports.
- (iv) The Test Item will not be retained for more than 15 days from the date of issue of Test Report except in case as required by applicable Regulation.
- (v) Opinion, Interpretation, Conformance will be provided only on the customer request.



**CENTRAL LABORATORY
STATE POLLUTION CONTROL BOARD, ODISHA**

Plot No. B-59/2 & 59/3, Chandaka Industrial Estate, Patia,
Bhubaneswar - 751 024

E-mail: centrallab@ospcbboard.org



TC-12740

TEST REPORT

Page 1 of 2

1. ULR No. : TC127402500000691F
- 2 (i). Report No. : OS/ 392 /07/2025
- 2(ii). Amendment No :
- 3 (i). Date : 01.07.2025
- 3(ii). Amendment Date :
4. Sample Submitted By : Sri S.S. Patra, JSA
(Name and address) Regional Office , SPC Board, Odisha, Sambalpur,
(On behalf of Regional Officer, Sambalpur)
5. Reference Letter No. : 3248 / VI- Lab. (Misc.) - 13/2018-19 dt.24.06.2025
6. Date of sample receipt : 25.06.2025
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(i) Discipline : Chemical testing (ii) Group : Water (iii) Sub Group : Ground water
(Biological testing/ Chemical testing) (Water/ Pollution and Environment) (Surface Water/ Ground Water/ Drinking Water/ Wastewater / Effluent)
8. Analysis Starting Date-Analysis Completion Date : 25.06..2025 – 01.07.2025
9. If uncertainty is desired by Customer : No
10. Analysis Results :
(Attach separate sheet if necessary)

Sl. No.	Parameter, Unit	Standards/ Regulatory Limits		Test Method	Ground water samples from nearby village of M/s Bhusan Power & Steel Ltd., Thekoloi				
		IS : 10500 (2012) *			Result				
		Requirement (Acceptable limit)	Permissible limit in the absence of alternate source		Others / Jun – 25/ GW / 942	Others / Jun – 25/ GW / 943	Others / Jun – 25/ GW / 944	Others / Jun - 25/ GW / 945	Others / Jun – 25/ GW / 946
1.	pH	6.5–8.5	No relaxation	4500-H ⁺ -B, APHA 23 rd Edn., 2017	5.8	6.1	5.9	6.3	6.4
2.	Total Dissolved Solids (TDS), mg/L	500, max	2000, max	2540 C, APHA 23 rd Edn., 2017	216.0	196.0	208.0	184.0	152.0
3.	Iron (Fe), mg/L	1.0, max	No relaxation	3500 Fe–B, APHA, 23 rd Edn., 2017	0.074	<0.01	<0.01	<0.01	0.127

Usharani Patnaik
01.07.2025
**Authorised Signatory
(Chemical Testing)
(Water/ Wastewater)
(Dr. (Mrs.) Usharani Patnaik)
(Addl. Chief Env. Scientist)**

Niranjan Mallick
17/7/25
**Board Analyst
(Sri Niranjan Mallick)
(OSD-cum- Chief Env. Scientist)**

(Cont..)



~~18~~
CENTRAL LABORATORY
STATE POLLUTION CONTROL BOARD, ODISHA

Plot No. B-59/2 & 59/3, Chandaka Industrial Estate, Patia,
Bhubaneswar - 751 024

E-mail: centrallab@ospcboard.org



TEST REPORT

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2 (i). Report No. : OS/ 392 /07/2025
3 (i) Date : 01.07.2025

2(ii). Amendment No :
3(ii) Amendment Date :

Sl. No.	Parameter, Unit	Test Method	Ground water samples from nearby village of M/s Bhusan Power & Steel Ltd., Thekkoloi					
			Others / Jun - 25/ GW / 947	Others / Jun - 25/ GW / 948	Others / Jun - 25/ GW / 949	Others / Jun - 25/ GW / 950	Others / Jun - 25/ GW / 951	Others / Jun - 25/ GW / 952
			Ground water from Tube well at Govt Primary School, Bisadihi village	Ground water from Tube well at Brahamanpada, Bisadihi village	Ground water sample from Dug well of Santosh Kalo house, Bisadihi village	Ground water sample from Tube well in front of Santosh Kalo house, Bisadihi village	Ground water from Tube well at Sunamal village - 1	Ground water from Tube well at Sunamal village - 2
Result								
1.	pH	4500-H ⁺ -B, APHA 23 rd Edn., 2017	6.4	7.1	6.8	6.6	6.6	6.2
2.	Total Dissolved Solids (TDS), mg/L	2540 C, APHA 23 rd Edn., 2017	176.0	20.0	12.0	16.0	16.0	124.0
3.	Iron (Fe), mg/L	3500 Fe-B, APHA, 23 rd Edn., 2017	0.029	0.034	0.044	<0.01	<0.01	0.039

* Drinking water specification, IS : 10500 (2012) and it's amendments, Applicable for Sl. No. Others /Jun- 25/GW/942 to Others /Jun- 25/GW/952

11. Deviation from Test Method , if any : No

12. If Sampling Conducted by the Central Laboratory, Yes/ No - No
If Yes,

(a) Date of Sampling : _____ (b) Method Used : _____
(c) Name of Sampler with Designation : _____

————— End of Test Report —————

Usharani Patnaik
Authorised Signatory
(Chemical Testing)
(Water/ Wastewater)
(Dr. (Mrs.) Usharani Patnaik)
(Addl. Chief Env. Scientist)

Niranjan Mallick
Board Analyst
(Sri Niranjan Mallick)
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