

**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.	Additional Affidavit.	1-4
2.	<u>ANNEXURE-R3/8</u> Photocopy of the letter No.15605 dtd.19.08.2025.	5
3.	<u>ANNEXURE-R3/9</u> Photocopy of the inspection report carried out on dtd.03.09.2025.	6-13

SPCB Odisha, R.No.3

Through

Papiya Banerjee Bihani

Kolkata

Date:

Smt Papiya Banerjee Bihani,
Advocates for the Respondent No.3
(State Pollution Control Board, Odisha)
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**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE KOLKATA BENCH
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11 SEP 2025

Akash Kalo Petitioner / Appellant

Vs.

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

**ADDITIONAL AFFIDAVIT ON BEHALF OF STATE
POLLUTION CONTROL BOARD, RESPONDENT
NO.3 IN COMPLIANCE TO ORDER DTD.24.07.2025
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 after taking into consideration the affidavit dtd.22.07.2025 filed by the R-3 Board in their order dtd.24.07.2025 directed the R-1 unit to remove the shrubbery, garbage etc. and any obstruction which may be lying over the tailing ponds which could not be inspected by the State Pollution Control Board (R-3) so that the presence of HDPE Liners could be assessed by fresh inspection.
3. That in compliance to the direction dtd.24.07.2025 the Addl. Chief Environmental Engineer of the R-3 Board has directed the R-1 unit vide letter No.15605 dtd.19.08.2025 to provide proper arrangement for physical verification / fresh inspection in respect of iron tailing ponds No.4A, 4B, 1A, 1B, 1C, 9, 11, 13 and 14 to check the presence of HDPE Liners along with supporting documents within 7 days to conduct necessary inspection for compliance of the direction dtd.24.07.2025 of the Hon'ble Tribunal. A copy of the letter No.15605



dtd.19.08.2025 is annexed to this affidavit and marked as

ANNEXURE – R3/8.

4. That in the meantime, the Asst. Environmental Engineer of Regional Office, Sambalpur of R-3 Board has carried out fresh inspection on dtd.03.09.2025 wherein the representative of R-1 were present. The inspection report reveals that HDPE Liners were observed in Tailing Ponds No.4A, 4B, 1A, 1B, 1C, 9, 11, 13 and 14. Copy of the inspection report carried out on dtd.03.09.2025 is annexed to this affidavit and marked as **ANNEXURE – R3/9.**
5. That this affidavit is filed in compliance to direction dtd.24.07.2025 of this Hon'ble Tribunal to bring in record the copy of Inspection Report at Annexure-R3/9.
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 annexures annexed to the present affidavit are true and correct copies of their originals.



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

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.

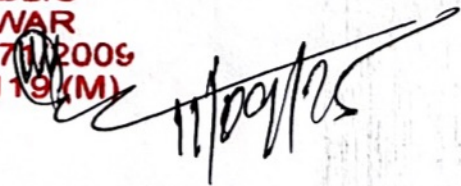
Verified at Bhubaneswar on this the 11th day of September, 2025.

SWORN BEFORE ME


DEPONENT
Member Secretary
State Pollution Control Board
Odisha, Bhubaneswar



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



X

ANNEXURE-R3/8⁴²²

EPABX : 2561909/2562847
 E-mail : cto17category@ospboard.org
 Website : www.ospboard.odisha.gov.in

STATE POLLUTION CONTROL BOARD, ODISHA

(Forest, Environment & Climate Change Department, Govt. of Odisha)

Paribesh Bhawan, A/118, Nilakanthanagar, Unit-VIII

Bhubaneswar - 751012

No. 15605 /IND//CON/4650

Date 19.08.2025

By Speed Post & E-Mail.

To,

The President and Whole Time Director
 M/s Bhusan Power and Steel Limited
 At-Thelkoloji, P.O.-Lapanga, Rengali
 Dist-Sambalpur, 768232, Odisha.

Sub.: O.A. No.43/2024/EZ -Reg.

Ref. : Order dated 24.07.2025 of the Hon'ble NGT.

Sir,

The Hon'ble NGT vide order dated 24.07.2025 (copy of order enclosed) in the matter of O.A. No..43/2024/EZ has directed you to make proper arrangement for physical verification/fresh inspection in respect of iron tailing ponds no. 4A, 4B, 1A, 1B, 1C, 9, 11, 13 and 14 to check the presence of HDPE liners along with supporting documents within the period of three week's time from the date of the issue of the Order.

In view of the above, you are requested to provide arrangements within 7 days to conduct necessary inspection for compliance w.r.t the order of the Hon'ble NGT.

Yours faithfully,

Addl. Chief Env. Engineer.

Encl: As above.

Memo No. 15606 Dt. 19-08-2025

Copy forwarded to Regional Officer, Sambalpur for information and necessary action. He is requested to co-ordinate with the industry for inspection at the earliest after coordinating with the industry and furnish the report at the earliest for further action.

Addl. Chief Env. Engineer





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 Bhushan Power and Steel Limited, At- Thekoloi, PO- Lapanda, Dist.- Sambalpur, Odisha

In pursuance of the order dtd. 24.07.2025 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 **03.09.2025** by the officials of Regional Office, SPCB, Sambalpur, Odisha. Sri Saurabh Singh, GM-Environment, M/s. Bhushan Power & Steel Ltd., Sambalpur and Sri Niranjan Parida, Sr. Mgr, Environment, M/s. Bhushan 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 Thekoloi, 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. 24.07.2025,

Sl.no.	Points in order dtd. 24.07.2025	Observations
1.	<p>Mr. Batakrisna Behera, learned Counsel is present (in Virtual Mode) for the Applicant. Learned Counsel states that the Respondent No.2, Sajjan Jindal, Chairman/ Managing Director, M/s JSW bhusan Power and Steel Limited, Bandra Kurla Complex, Bandra (EAST), Mumbai, is not a necessary party to the present proceedings and may be permitted to be deleted from the array of Respondents. We allow the prayer of the Applicant and direct that Respondent No. 2 be deleted from the array of Respondents.</p>	No comment.
2.	<p>Mr. Ashok Parija, learned Senior Counsel assisted by Mr. Debargha Basu, learned Counsel appearing (in Virtual Mode) on behalf of the Respondent No.1, M/s. JSW Bhusan Power and Steel Limited, referring to the Inspection Report which has been filed by the State Pollution Control Board, Odisha submits that he may</p>	<p>To verify the same, the site was visited on 03.09.2025, and it was observed that Tailing ponds were filled with tailings for sun drying. It was observed that the Tailing Ponds No.2, Pond No.3 and Pond No.5 were in operation and other Tailing ponds were not in operation. It was physically observed that the obstructions, shrubbery, garbage etc. were removed to check the presence of lining in the Tailing ponds No. 4A, 4B, 1A, 1B, 1C, 9, 11, 13 and 14. The industry representative also showed the Layout plan & Typical Cross Section of</p>

<p>be granted three weeks time to remove the shrubbery, garbage, etc. and any obstruction which may be lying over the Tailing ponds which could not be inspected by the State Pollution Control Board, Odisha in as much as in remarks column of the Inspection Report, it has been stated that Tailing Ponds No. 4A, 4B, 1A, 1B, 1C, 9, 11, 13 and 14 could not be assessed due to presence due to presence of HDPE liners, the industry should make proper arrangements for physical verification and through supporting documentation to check the presence of HDPE liners.</p>	<p>8 425 Embankment for Iron Ore Tailing Pond vide DRG No. BPSL-BENEF-TP-LAY-001 dtd. 25.03.2022 and 2nd Revised and updated on dtd. 03.05.2025 which shows the provision of laying of 1.5mm thick HDPE liner.</p>
<p>3. Considering the request of the learned Senior Counsel, Mr. Ashok Parija also supported by Ms. Papiya Banerjee Bihani on behalf of the State Pollution Control Board, we grant three weeks time to the Respondent No.1, M/s. JSW Bhusan Power and Steel Limited to make arrangements for fresh inspection by the State</p>	<p>During the inspection, Tailing Ponds No. 4A, 4B, 1A, 1B, 1C, 9, 11, 13 and 14 were inspected and the HDPE liner were observed as shown in the attached photos.</p>



Pollution Control Board, Odisha.	
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Remarks:

The Tailing Ponds No. 4A, 4B, 1A, 1B, 1C, 9, 11, 13 and 14 were physically verified for presence of liner and through supporting documentation to check the presence of HDPE liners.

Some Photographs taken during the visit



Tailing Pond No. 4A



Tailing Pond No. 4B



Tailing Pond No. 1A



Tailing Pond No. 1B



Tailing Pond No. 1C



Tailing Pond No. 9



Tailing Pond No. 11



Tailing Pond No. 13



Latitude: 21.759449
Longitude: 84.035595
Elevation: 224.25±4.59 m
Accuracy: 8.254 m
Time: 03-09-2025 17:43
Note: Bhusan

Powered by NoteCam

Tailing Pond No. 14

Asst. Env. Engineer
SPC Board, Sambalpur

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