

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

ORIGINAL APPLICATION NO. 210 OF 2025/EZ

Under Section 14 and 18 of the NGT Act

In the matter of:

Shri Nayan Kumar Patra
..Applicant

-Versus-

Jharkhand State Pollution
Control Board & Ors.
...Respondents



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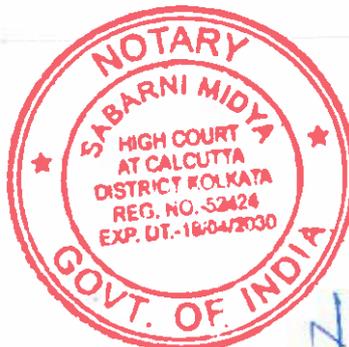
Filed by

Bipasha Jainwal

Advocate for the Applicant

Enrollment no: -

F/3374/2022



Nayan Kumar Patra

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SYNOPSIS

The present Original Application has been filed before this Hon'ble Tribunal seeking urgent intervention against the continuous illegal operations of M/s Nilachal Iron & Power Limited/OCL Iron & Steel Limited (Respondent No. 2) at its industrial unit located in Seraikela-Kharsawan District, Jharkhand. Despite repeated closure orders issued by the Jharkhand State Pollution Control Board (JSPCB) and clear directions from this Hon'ble Tribunal in O.A. No. 156/2023/EZ dated 26.04.2024, the unit continues to operate unabated, flagrantly violating environmental norms and judicial orders.

The unit has been operating unauthorized components including 2X600 TPD rotary kiln, SMS, CCM, Rolling Mill and WHRB Power Plant without

Nayan Kumar Patra

valid consents, causing severe air and water pollution that has led to significant health hazards for the local population. Shockingly, the JSPCB has reduced the environmental compensation amount without justification and continues to provide Consent to Operate (CTO ref. no. JSPCB/HO/RNC/CTO-18110094/2024/1484 dated 13.09.2024) to the unit.

The Applicant, being a resident of the affected area, has made representations to the authorities which have gone unheeded, leaving no option but to approach this Hon'ble Tribunal for appropriate directions to immediately seal the unit, revoke its consents, disconnect utilities, impose heavy penalties, and constitute an independent monitoring committee to oversee compliance with environmental norms and assess the damage caused.

The matter requires urgent consideration as every day of continued illegal operation is causing irreversible damage to the environment and public health in violation of rights and established principles of environmental jurisprudence including the Precautionary Principle and Polluter Pays Principle.

The Applicant seeks exemplary action against the respondent no. 2 for their willful disregard of statutory and judicial orders.



Jayan Kumar Palit

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List of Dates

Sr. No.	Date	Particulars
1	26.04.2024	Hon'ble NGT in O.A. No. 156/2023/EZ prohibits operation of expanded unit without EC
2	10.9.2024& 21.05.2024	JSPCB inspection report confirms unauthorized operations.
3	10.01.2025	JSPCB issued closure order and imposed environmental compensation
4	17.10.2025	Applicant filed complaint with the authorities
5	17.10.2025	Applicant filed complaint with the Hon'ble Tribunal with updated violations
6	28.10.2025	Applicant sent a reminder regarding its complaint to the authorities.



Nayan Kumar Patra

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...Respondents



MEMO OF PARTIES

Shri Nayan Kumar Patra, Son Shri Nandan Kunj Patra, permanently residing at Village Podadih, Post Office - Jhabri, Police Station - Chowka, District: Seraikela-Kharsawan, State: Jharkhand - 832 404 and presently residing at Village - Palgam, Post Office - Ghat Dulmi, Police Station - Chowka, District: Seraikela-Kharsawan, State: Jharkhand - 832 402; Mobile No.: 8271317103; Email: nayanpatra619@gmail.com; Aadhaar No.: 441587485008

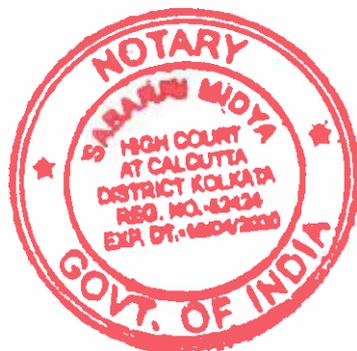
..Applicant

1. Jharkhand State Pollution Control Board (JSPCB), through its Chairman, office at Paryavaran Bhawan, H. E. C. Campus,

Nayan Kumar Patra

- Dhurwa, Ranchi - 834004, Jharkhand; Email: member-secretary@jspcb.nic.in; Phone: 0651-2442740
2. M/s Nilachal Iron & Power Limited/OCL Iron & Steel Limited; Through its Managing Director having its registered address at 403 Sagar Trade Cube, 104, S P Mukherjee Road, Kolkata-700026, West Bengal, and having its unit at Jharkhand at Ratanpur, Kandra Chandil Road, Sarikela, Kharsawan, Jharkhand - 832 402 ; Email id: niplpower@gmail.com; Phone: +91-33-4090-3500
 3. Jharkhand Bijli Vitran Nigam Limited, served through its General Manager, having its address at Engineering Building, H.E.C., Dhurwa, Ranchi - 834 004, Jharkhand; Email: gmitjbvn@gmail.com; contactus@jbvnl.co.in Phone: ; 1800 345 6570
 4. State of Jharkhand served through the Chief Secretary, Government of Jharkhand, Project Building, 1st Floor, Dhurwa, Ranchi - 834004, Jharkhand; Email: cs-jharkhand@nic.in; Phone: 0651-2400001
 5. The Principal Secretary, Department of Industries, Government of Jharkhand, having its address at 2nd Floor, above SBI, JSBCCL Building, Project Bhawan Campus, Dhurwa, Ranchi - 834 004, Email: sec-ind-jhr@nic.in; Phone No: 2446633, 2446634;
 6. The Deputy Commissioner, Saraikela Kharsawan, Collectorate Building, 1st Floor Gourangdih, Jharkhand - 833 219, Jharkhand, Email: dc-seraikela@nic.in; dc-sar@nic.in; Phone: 06597-234002;

...Respondents



Nayan Kumar Paha

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

ORIGINAL APPLICATION NO. ____ OF 2025/EZ

Under Section 14 and 18 of the NGT Act

In the matter of:-

Shri Nayan Kumar Patra, Son Shri
Nandan Kunj Patra, permanently
residing at Village Podadih, Post
Office - Jhabri, Police Station -
Chowka, District: Seraikela-
Kharsawan, State: Jharkhand -
832 404 and presently residing at
Village - Palgam, Post Office - Ghat
Dulmi, Police Station - Chowka,
District: Seraikela-Kharsawan,
State: Jharkhand - 832 402;
Mobile No.: 8271317103;
Email: nayanpatra619@gmail.com;
Aadhaar No.: 441587485008



..Applicant

VERSUS

Nayan Kumar Patra

1. Jharkhand State Pollution Control Board (JSPCB), through its Chairman, office at Paryavaran Bhawan, H. E. C. Campus, Dhurwa, Ranchi - 834004, Jharkhand; Email: member-secretary@jspcb.nic.in; Phone: 0651-2442740;

2. M/s Nilachal Iron & Power Limited/OCL Iron & Steel Limited; Through its Managing Director having its registered address at 403 Sagar Trade Cube, 104, S P Mukherjee Road, Kolkata-700026, West Bengal, and having its unit at Jharkhand at Ratanpur, Kandra Chandil Road, Sarikela, Kharsawan, Jharkhand - 832 402 ; Email id: niplpower@gmail.com; Phone: +91-33-4090-3500

3. Jharkhand Bijli Vitran Nigam Limited, served through its



Nayan Kumar Patra

General Manager, having its address at Engineering Building, H.E.C., Dhurwa, Ranchi - 834 004, Jharkhand;

Email: gmitjbvn@gmail.com;
contactus@jbvnl.co.in Phone: ;
1800 345 6570

4. State of Jharkhand served through the Chief Secretary, Government of Jharkhand, Project Building, 1st Floor, Dhurwa, Ranchi - 834004, Jharkhand;
Email: cs-jharkhand@nic.in;
Phone: 0651-2400001

5. The Principal Secretary, Department of Industries, Government of Jharkhand, having its address at 2nd Floor, above SBI, JSBCCL Building, Project Bhawan Campus, Dhurwa, Ranchi - 834 004, Email: sec-ind-jhr@nic.in; Phone No: 2446633, 2446634;



Jayan Kumar Palit

6. The Deputy Commissioner,
Saraikela Kharsawan, Collectorate
Building, 1st Floor Gourangdih,
Jharkhand - 833 219, Jharkhand,
Email: dc-seraikela@nic.in; dc-
sar@nic.in; Phone: 06597-234002;

...Respondents



The humble petition is on behalf of
the Applicant above named most
respectfully

SHEWETH:

1. The addresses of the Applicant is stated herein above for serving notice of this Original Application. The Applicant is a local resident and a villager and a farmer and is directly affected by the inaction on the part of the authorities. Due to the dust, smoke emission and pollution created by the respondent no. 2, the Applicant's farm land is affected decreasing crop yields, plant diseases and lack of soil productivity are some of the effects of pollution. The Applicant also takes crops from other farmers and sells the same in the local market as such the crop productivity is

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affected and thereby the Applicant apart from pollution is also affected personally due to the action of the respondent no. 2.

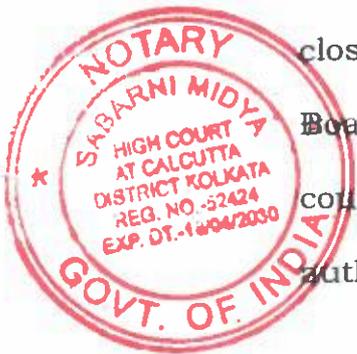
2. The addresses of the Respondents are given herein above for service of notices of this Original Application. The respondent no. 1, 3 to 6 are statutory authorities.

3. That the Applicant is filing the instant application under Section 14 and 18 of the National Green Tribunal Act, 2010.

4. The Applicant is being deeply aggrieved by the continuous and flagrant violations of environmental laws by the respondent no. 2 I.e M/s Nilachal Iron & Power Limited (550 TPD)/OCL Iron & Steel Limited unit operating at Ratanpur Saraikela, Jharkhand.

5. The Applicant most respectfully approaches this Hon'ble Tribunal seeking urgent intervention to enforce the rule of law and protect the environment and public health from the irreversible damage caused by the illegal operations of the said unit.

6. The Applicant is compelled to file this application due to the brazen non-compliance of the Respondent unit with multiple closure orders issued by the Jharkhand State Pollution Control Board (JSPCB) and the explicit directions of this Hon'ble Tribunal, coupled with the shocking inaction and apathy of the regulatory authorities in enforcing their own orders, thereby allowing the



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unit to operate with impunity and disregard for the environment and the health and well-being of the local community.

A. FACTS :

1. The Applicant submits that the Respondent no. 2's unit has been operating in blatant violation of environmental norms and statutory requirements, despite the issuance of repeated closure directions by the JSPCB, including letter dated 10.09.2024, B-1252 dated 21.05.2024, and subsequent directives under Section 33(A) of the Water (Prevention and Control of Pollution) Act, 1974 and Section 31(A) of the Air (Prevention and Control of Pollution) Act, 1981, which have been openly flouted by the unit with no consequences whatsoever. Copy of the inspection cum verification report issued by the JSPCB being letter ref. no. B-2028 dated 10.09.2024 and B-1252 dated 21.05.2024 are annexed hereto and marked with Letter A and B respectively.
2. That this Hon'ble National Green Tribunal (Eastern Zone) in O.A. No. 156/2023/EZ vide order dated 26.04.2024 had categorically directed that the expanded part of the unit cannot operate without valid Environmental Clearance, yet the unit continues to violate this binding judicial order with utter contempt, and shockingly, the JSPCB has reduced the environmental compensation amount without any justification, thereby



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undermining the authority of this Hon'ble Tribunal and emboldening the violators. Further, it is a laid down law that post facto environmental clearance cannot be allowed by the authorities. Copy of the order dated 26.04.2024 is annexed hereto and marked with Letter C.

3. The gravity of the situation is further compounded by the fact that the unit is operating unauthorized components, including 2X600 TPD rotary kiln, SMS, CCM, Rolling Mill, and WHRB Power Plant, without any valid consent or permission, which has been confirmed in multiple inspection reports conducted by the JSPCB, yet no concrete action has been taken to revoke the Consent to Operate (CTO ref. no. JSPCB/HO/RNC/CTO-18110094/2024/1484 dated 13.09.2024) or to ensure the dismantling of these illegal facilities, raising serious questions about the integrity and commitment of the authorities in enforcing environmental laws.
4. The present matter reveals a shocking pattern of environmental violations and regulatory inaction spanning over several years, demonstrating a complete breakdown of governance in enforcing environmental laws. The industrial unit M/s Nilachal Iron & Power Limited/OCL Iron & Steel Limited has been operating illegally.



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5. That as stated in Annexure D, the Showcause notice dated 17.10.2024, revealed that Jharkhand State Pollution Control Board, first issued show cause notice vide ref no. B-1243 dated 30.6.2022 and was directed to deposit a sum of Rs. 79,73,438/-. The respondent no. 2 prayed for waiving the amount imposed as environmental compensation. But the JSPCB did not find merit in the request and further, directed the respondent no.2's unit to be closed vide ref no. B-1867 dated 10.09.2022 and entire unit was directed to be closed. Thereafter, the respondent no.2's environmental compensation amount was reduced from 79 days to 56 days and to a sum of Rs. 23,62,500/- from Rs. 79,73,438/-
6. That as stated in Annexure D at page 55 of the application, the Jharkhand State Pollution Control Board, revoked the closure order vide its letter ref no. 1867 dated 10th September, 2022. But in the inspection report dated 27th February, 2023, it was found by the Jharkhand State Pollution Control Board (JSPCB) that the Rolling Mill and Rotary Kiln was operating without any EC, CTE, CTO from the authorities concerned, as such the Jharkhand State Pollution Control Board (JSPCB) issued a direction for closure of the expanded part vide its letter ref no. B-586 dated 21.03.2023.
7. Thereafter, an inspection was conducted on 14-06-2023 whereby it was recorded by the Jharkhand State Pollution Control Board (JSPCB) that the unit was not at all serious about the pollution



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control measures and the rotary kiln was still found operations without any EC and other permissions and inspite of closure order being issued by Jharkhand State Pollution Control Board (JSPCB), as stated in Annexure D of the application.

8. That the Jharkhand State Pollution Control Board (JSPCB) again vide its letter ref no. 584 dated 17.6.2023 issued directions upon the unit of the respondent no. 2 to be closed and also several show cause notice were issued vide letter ref no. 1835 dated 24.7.2023 and 17.8.2023, as stated in Annexure D of the application.
9. That the respondent no.2's unit gave an undertaking that the expanded part shall not kept non-operational. The Jharkhand State Pollution Control Board (JSPCB) in its inspection cum verification report dated 21.09.2024 found that the respondent no.2's unit was operating the violating part I.e 2X600 TPD of DRI Kiln, 3X10 T and 4X15 T of Induction Furnace and 37 MW of WHRB plant and CCM of capacity 220000TPA.
10. The Jharkhand State Pollution Control Board (JSPCB) issued a show cause notice dated 17.10.2024 to the respondent no. 2. Copy of the said show cause notice dated 17.10.2024 ref no. B-2210 is annexed hereto and marked with Letter D.
11. That the Applicant submits that despite multiple closure orders, the unit of the respondent no. 2 continues its unlawful operations with impunity, operating unauthorized components



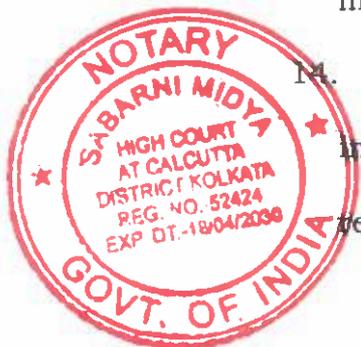
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like 2X600 TPD rotary kiln, SMS, CCM, Rolling Mill and WHRB Power Plant without valid environmental clearances and other permissions. The situation worsened when the Hon'ble National Green Tribunal in its order dated 26.04.2024 in O.A. No. 156/2023/EZ explicitly prohibited operation of the expanded unit, yet the plant continues to violate this judicial directive while the JSPCB inexplicably reduced the environmental compensation amount instead of enforcing compliance.

12. That thereafter, the Applicant has learnt that a direction was issued on 10th January, 2025 by the Jharkhand State Pollution Control Board (JSPCB) . Copy of the direction dated 10.1.2025 is annexed hereto and marked with Letter E.

13. The Jharkhand State Pollution Control Board (JSPCB) has in its direction dated 10.1.2025 has imposed an environmental compensation for a sum of Rs. 70,87,500/- upon the respondent no. 2 for 84 days and has categorically stated that inspite pf several directions, the respondent no. 2 has being operating its expanded plant without any valid CTO/CTE/EC and the CTO dated 13.9.2024 is being used as a disguise for the illegal operation of the expanded plant.

14. The Jharkhand State Pollution Control Board (JSPCB) in its direction dated 10.1.2025 specifically directed the respondent no.2's unit at Mouza + PS - Ratanpur, District -



Nayan Kumar Paktan

Saraikela Kharsawan to be closed down including the expanded and violating part with immediate effect and also to pay the environmental compensation as imposed within 15 days thereto. In the same letter dated 10.1.2025, the electricity department I.e the Secretary, Jharkhand State Electricity Board, Ranchi. It is pertinent to mention that the JBVNL (Jharkhand BijliVitrans Nigam Limited), erstwhile Jharkhand State Electricity Board (JSEB) was directed to disconnect the electricity of the unit and intimate the General manager, Jharkhand Vidyut Nigam Limited, Saraikela Kharsawan and the Chief Inspector of Factories, Ranchi for further action.

15. That the Applicant is pained to state that inspite of such directions, the authorities failed to disconnect power supply despite clear directives, and shockingly, the JSPCB renewed the unit's Consent to Operate (CTO Ref. No. JSPCB/HO/RNC/CTO-18110094/2024/1484 dated 13.09.2024) while knowing about the ongoing violations.

16. That the unit of the respondent no. 2 continues its polluting activities, causing severe damage to air and water quality while endangering public health, with authorities like the Deputy Commissioner and District Administration failing to implement closure orders, who had also been directed vide the



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letter dated 10.1.2025 by the Jharkhand State Pollution Control Board (JSPCB) to ensure compliance.

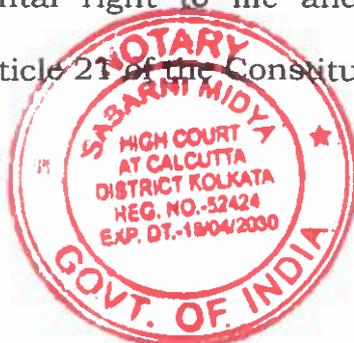
17. However, the authorities are maintaining a stoic silence in the matter and the orders and directions are passed only on paper as an eye wash and no steps have been taken by the authorities to implement its own directions and order.
18. This deliberate inaction by multiple government agencies raises serious questions about possible collusion with the violators, as evidenced by the JSPCB's contradictory actions of issuing closure notices while simultaneously renewing operational consents.
19. The reduction of penalties without justification and failure to disconnect utilities despite clear violations demonstrates a complete abdication of statutory responsibilities by the pollution control board and energy department, undermining both environmental governance and judicial authority.
20. The continuous operation of this polluting unit not only violates fundamental rights of citizens under Article 21 of the Constitution but also makes a mockery of India's environmental regulatory framework, necessitating urgent judicial intervention to uphold the rule of law and hold both the industrial unit and



Sayam Kumar Pal

complicit officials accountable for their willful disregard of environmental norms and judicial orders.

21. The Applicant has made repeated representations to the JSPCB, vide its emails dated 17th October, 2025 and 28th October, 2025. The Applicant had also made a complaint to this Hon'ble Tribunal, bringing to the above stated facts to the notice. Copies of the emails dated 17.10.2025 and 28.10.2025 is annexed hereto and marked with Letter F collectively.
22. That the continued illegal operations and the environmental damage and havoc being wreaked by the unit, but the authorities have turned a blind eye, forcing the Applicant to approach this Hon'ble Tribunal as a last resort for justice.
23. That the Applicant has learnt that several other complaints were also lodged by other villagers. The Applicant craves leave to refer to the same at the time of hearing, if necessary.
24. The Applicant most respectfully submits that the continued operation of the Respondent unit is causing irreparable damage to the environment, including air and water pollution, degradation of soil quality, and severe health hazards to the local population, which is a clear violation of the fundamental right to life and clean environment guaranteed under Article 21 of the Constitution of India.



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25. That the inaction of the JSPCB in enforcing its own orders and the directives of this Hon'ble Tribunal amounts to a dereliction of duty and a betrayal of the public trust reposed in them, warranting strict judicial intervention to uphold the rule of law and environmental justice.
26. The Applicant, therefore, prays for the immediate enforcement of the closure orders, revocation of the CTO, imposition of maximum environmental compensation, and initiation of legal action against the erring officials and the management of the Respondent unit for their willful and deliberate violations.
27. In view of the imminent threat posed by the continued illegal operations of the Respondent unit, the Applicant most earnestly seeks the indulgence of this Hon'ble Tribunal to grant an ex-parte ad-interim stay on the operations of the unit of the respondent no. 2 and direct the JSPCB to seal the premises and disconnect all utilities, including electricity and water supply, to prevent further environmental degradation until the final disposal of this application.
28. The Applicant also prays for the constitution of a monitoring committee to oversee the implementation of the closure orders and the dismantling of the unauthorized



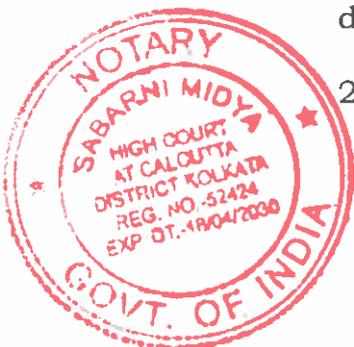
Nayan Kumar Pal

components, and to submit a compliance report to this Hon'ble Tribunal within a stipulated time frame.

29. The Applicant further requests this Hon'ble Tribunal to direct the JSPCB to submit a detailed affidavit explaining the reasons for their inaction and the steps taken to enforce the closure orders, and to impose exemplary costs on the Respondent no. 2 for their blatant violations and contempt of the Tribunal's orders.
30. The Applicant solemnly affirms that this application is being filed in good faith and in the larger public interest to protect the environment and uphold the principles of sustainable development and environmental justice.
31. The Applicant reserves the right to amend, alter, or add to this application as may be deemed necessary in the interest of justice, and prays for the kind indulgence of this Hon'ble Tribunal to grant the reliefs as prayed for and any other relief(s) that this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the case.

B. GROUNDS OF LAW:-

- i. Because the Respondent no.2's unit has been willfully and deliberately violating the clear and unambiguous order dated 26.04.2024 passed by this Hon'ble Tribunal in O.A. No.



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156/2023/EZ, wherein it was categorically held that the expanded part of the unit cannot operate without obtaining valid Environmental Clearance, and despite such binding judicial directive, the unit continues to operate in blatant contempt of this Hon'ble Tribunal's order, thereby undermining the authority of the judiciary and making a mockery of the environmental rule of law. The Applicant most respectfully submits that the conduct of the Respondent unit amounts to criminal contempt, warranting strict punitive action, including heavy penalties and prosecution of the erring officials and management, as the rule of law cannot be allowed to be subverted by such brazen disregard for judicial orders.

- ii. Because the Respondent unit has been operating in open defiance of statutory closure orders issued by the Jharkhand State Pollution Control Board (JSPCB) under Section 33(A) of the Water (Prevention and Control of Pollution) Act, 1974 and Section 31(A) of the Air (Prevention and Control of Pollution) Act, 1981, which were issued after due inspection and confirmation of serious environmental violations by the unit. The Applicant submits that such willful disobedience of statutory orders not only constitutes a punishable offense under the said Acts but also reflects a complete breakdown of regulatory enforcement, as the JSPCB has shockingly failed to



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take any coercive measures, such as sealing the unit or disconnecting essential utilities, despite having ample statutory powers to do so.

- iii. Because the Jharkhand State Pollution Control Board (JSPCB) has miserably failed to discharge its statutory duties under the Environment (Protection) Act, 1986, as it has neither enforced its own closure orders nor taken any meaningful action to ensure compliance with environmental norms by the Respondent unit, despite being fully aware of its illegal operations. The Applicant submits that the JSPCB's inaction is not only a dereliction of its statutory mandate but also raises serious questions about possible collusion with the violators, as evidenced by the unexplained reduction in environmental compensation and the continued issuance of a Consent to Operate (CTO ref. no. JSPCB/HO/RNC/CTO-18110094/2024/1484 dated 13.09.2024) despite multiple violations. Such conduct by a regulatory authority is not only unlawful but also strikes at the very foundation of environmental governance, necessitating strict judicial intervention to hold the erring officials accountable.

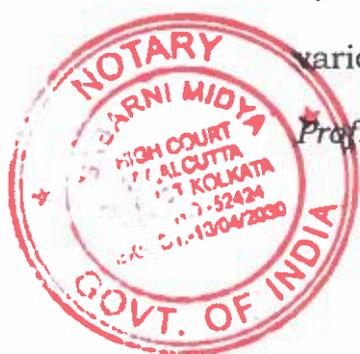
- iv. Because the continued illegal operations of the Respondent unit have caused and continue to cause grave and irreversible damage to the environment, including uncontrolled emissions

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of toxic pollutants into the air, discharge of untreated effluents into water bodies, and degradation of soil quality, thereby posing severe health hazards to the local population, including respiratory diseases, skin disorders, and contamination of drinking water sources. The Applicant submits that such environmental degradation constitutes a gross violation of the fundamental right to life and a clean environment guaranteed under Article 21 of the Constitution of India, as recognized by the Hon'ble Supreme Court in numerous judgments, including *M.C. Mehta v. Union of India* (1987) and *Vellore Citizens Welfare Forum v. Union of India* (1996). The Applicant further submits that the principle of "Polluter Pays," as enshrined in Indian environmental jurisprudence, must be strictly applied in the present case, and the Respondent unit must be held liable for the ecological damage caused by its unlawful activities.

- v. Because the impugned actions and inactions of the Respondents are in direct contravention of the Precautionary Principle and Sustainable Development Principle, which have been recognized as integral parts of Indian environmental law by this Hon'ble Tribunal and the Hon'ble Supreme Court in various judgments, including *A.P. Pollution Control Board v. Prof. M.V. Nayudu* (2001) and *Hanuman Laxman Aroskar v.*



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Union of India (2019). The Applicant submits that the Respondents cannot be permitted to operate in a manner that prioritizes commercial gains over environmental protection and public health, and this Hon'ble Tribunal must intervene to ensure that the rule of law prevails over such unlawful and ecologically destructive activities.

vi. Because the present case is a glaring example of regulatory failure and corporate impunity, where a polluting unit has been allowed to operate unchecked despite multiple violations, while the affected public is left to suffer the consequences. The Applicant humbly submits that this Hon'ble Tribunal must send a strong message that such disregard for environmental laws and judicial orders will not be tolerated, and the Respondents must be directed to pay heavy environmental compensation, in addition to facing strict legal consequences for their unlawful conduct.

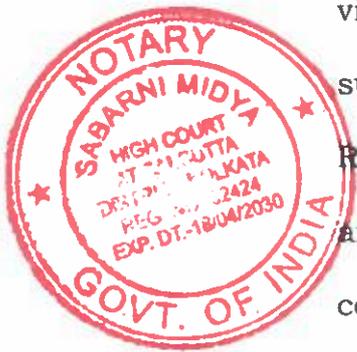
vii. Because the urgency of the matter cannot be overstated, as every day of continued illegal operation by the Respondent unit results in further environmental degradation and harm to public health, and therefore, this Hon'ble Tribunal must grant immediate interim relief by staying the operations of the unit and directing the JSPCB to seal the premises and disconnect all utilities until the final disposal of the present application.



Nayan Kumar Patra

viii. Because the Applicant has no other efficacious remedy available to address the grave environmental and public health concerns raised in this application, and therefore, the intervention of this Hon'ble Tribunal is not only necessary but also imperative to uphold the principles of environmental justice and ensure that the rule of law prevails over corporate and regulatory apathy.

ix. Because the Secretary, Jharkhand State Electricity Board, Ranchi, despite being statutorily obligated to comply with the directions of the Jharkhand State Pollution Control Board (JSPCB), has deliberately and unlawfully failed to disconnect the electricity supply to M/s Nilachal Iron & Power Limited (550 TPD)/OCL Iron & Steel Limited, even after the issuance of multiple closure orders by the JSPCB, thereby facilitating the continued illegal operations of the polluting unit in brazen violation of environmental laws. The Applicant submits that such inaction by Secretary, Jharkhand State Electricity Board, Ranchi, constitutes willful disobedience of statutory orders and makes it complicit in the environmental violations committed by the Respondent no. 2's unit, warranting strict action against its officials for dereliction of duty.



x. Because the Secretary, Jharkhand State Electricity Board, Ranchi, being a state-owned utility, has a statutory and moral

Nayan Kumar Palit

obligation to ensure that its services are not extended to industries operating in violation of environmental laws, particularly when the JSPCB has explicitly directed disconnection of power supply vide its letter dated 10.1.2025. The Applicant submits that the continued supply of electricity by the electricity department to the Respondent no.2's unit, despite knowledge of its illegal operations, amounts to aiding and abetting environmental violations, which is impermissible under the law and against the public interest.

- xi. Because the failure of electricity department to disconnect electricity supply is in direct contravention of the orders passed by this Hon'ble Tribunal in O.A. No. 156/2023/EZ dated 26.04.2024, wherein it was categorically held that the Respondent unit cannot operate without valid Environmental Clearance. The Applicant submits that electricity department and state authorities, being an instrumentality of the State, is bound by the directions of this Hon'ble Tribunal and its failure to comply with the same amounts to contempt of the Tribunal's orders, necessitating appropriate punitive action.

- xii. Because the inaction of authorities is not only unlawful but also reflects a shocking disregard for the health and well-being of the local community, as the uninterrupted power supply has enabled the Respondent unit to continue its polluting activities,

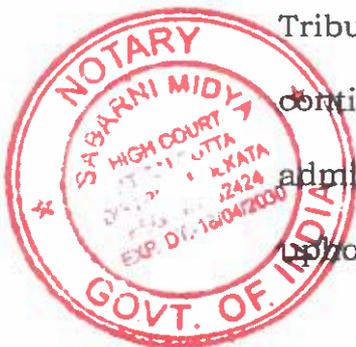


Nayan Kumar Patra

causing severe air and water pollution, and posing grave risks to public health. The Applicant submits that such conduct by a public utility is indefensible and warrants immediate intervention by this Hon'ble Tribunal to ensure compliance with the law.

xiii. Because the electricity department's failure to disconnect electricity supply undermines the very purpose of the closure orders issued by the JSPCB, as the Respondent unit continues to operate with impunity, rendering the regulatory actions of the JSPCB futile. The Applicant respectfully prays that this Hon'ble Tribunal may be pleased to direct the electricity department to immediately disconnect the electricity supply to the Respondent unit and impose heavy penalties for its deliberate inaction, which has perpetuated environmental degradation and public health hazards.

xiv. Because the Applicant has made repeated representations to authorities, but no action has been taken, leaving the Applicant with no alternative but to approach this Hon'ble Tribunal for urgent relief. The Applicant submits that the continued inaction of the authorities is a glaring example of administrative apathy and calls for strict judicial scrutiny to uphold the rule of law.

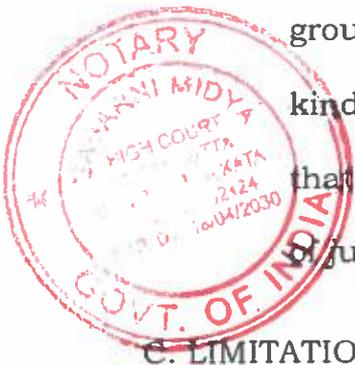


Nayan Kumar Patra

xv. Because the Hon'ble Supreme Court and this Hon'ble Tribunal have consistently held that electricity supply must be disconnected to industries operating in violation of environmental laws. The Applicant submits that the present case warrants a similar direction to ensure that the Respondent no. 2's unit is not allowed to operate until it complies with all environmental norms and judicial orders and the orders of the PCB are implemented.

xvi. Because the State Authorities being respondent no. 1, 3 to 6 by maintaining a stoic silence and not implementing its own orders and thereby violating the rule of law and endangering the environment, warranting immediate intervention by this Hon'ble Tribunal.

xvii. The Applicant most respectfully submits that the above grounds are not exhaustive, and this Hon'ble Tribunal may kindly consider any additional legal or factual submissions that may arise during the course of proceedings in the interest of justice.



C. LIMITATION

The instant application is being filed within the prescribed limitation period as the cause of action arose only on 10.1.2025, when the final closure order and imposition of environmental compensation was

Nayan Kumar Paho

passed by the respondent no.1 upon the respondent no. 2's unit at Mouza + PS - Ratanpur, District - Sarikela Kharsawan and with the issuance of the orders passed by this Hon'ble Tribunal and is continuing. Hence, the application is within the period of limitation.

D. PRAYER

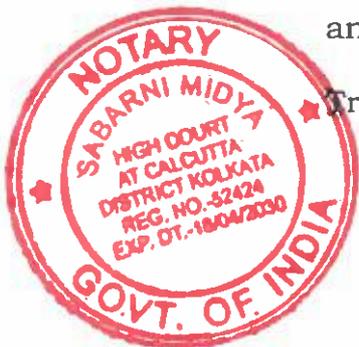
It is most respectfully prayed that this Hon'ble Tribunal may be pleased to:

- i. Issue an order or direction directing the Jharkhand State Pollution Control Board (Respondent No. 1) to immediately enforce the closure orders dated 10.01.2025 and order dated 10.9.2024 and 21.5.2024 against M/s Nilachal Iron & Power Limited/OCL Iron & Steel Limited (Respondent No. 2's unit situated at Mouza + PS - Ratanpur, District - Sarikela Kharsawan);
- ii. Issue an order or direction directing the Jharkhand State Pollution Control Board (Respondent No. 1) to immediately revoke the Consent to Operate (CTO Ref. No. JSPCB/HO/RNC/CTO-18110094/2024/1484 dated 13.09.2024) and such other CTO and/or CTE granted to the respondent no. 2's unit at Mouza + PS - Ratanpur, District - Sarikela Kharsawan;



Nayan Kumar Paha

- iii. Issue an order or direction directing the Respondent No. 3 to forthwith disconnect all electricity supply to Respondent No. 2's unit at respondent no. 2's unit at Mouza + PS - Ratanpur, Kandra Chandil, District - Sarikela Kharsawan in terms of directions passed by respondent no. 1 dated 10.1.2025;
- iv. Direct Respondent No. 2 to immediately cease all industrial operations at their unit at Mouza + PS - Ratanpur, Kandra Chandil, District - Sarikela Kharsawan plant and dismantle all unauthorized installations including the 2X600 TPD rotary kiln, SMS, CCM, Rolling Mill, and WHRB Power Plant within a time-bound framework, while also depositing environmental compensation as imposed by the respondent no.1 along with further penalty for non compliance and additionally a further sum of Rs.5 crores (Rupees Five Crores only) for continued violations of environmental norms and judicial orders.
- v. Constitute an Independent Monitoring Committee comprising of senior officer from respondent no. 1, 3 and 4 and such other authorities as this Hon'ble Tribunal may deem fit to oversee compliance with this



Jayan Kumar Jaha

Hon'ble Tribunal's directions and submit compliance report/affidavit regarding the same.

- vi. Direct Respondent No. 1 (Jharkhand State Pollution Control Board), Respondent no. 3 (JBVNL (Jharkhand BijliVitrans Nigam Limited), erstwhile Jharkhand State Electricity Board (JSEB) and the Respondent No. 4 to 6 to submit detailed affidavits explaining their failure to enforce environmental laws against Respondent No. 2's unit, for non-compliance of mandatory orders and impacting the health of the villagers in the vicinity of the polluting unit.
- vii. Direct Respondent No. 1, 3 to 6 to seal and close the unit of the respondent no. 2's unit at Mauza - Ratanpur, Kandra Chandil, Saraikela Kharsawan and implement its order dated 10.1.2025 and submit detailed affidavits explaining its compliance;
- viii. Cost;
- ix. Pass such other directions or orders as this Honorable Tribunal may deem fit and proper;

E. Interim Relief:



Nayan Kumar Jaha

- i. Pending final disposal of the present application, this Hon'ble Tribunal may be pleased to grant an ex-parte ad-interim stay on all industrial operations of Respondent No. 2 at their unit at Mouza + PS - Ratanpur, Kandra Chandil, District - Sarikela Kharsawan;
- ii. Pending final disposal of the present application, this Hon'ble Tribunal may be pleased to issue immediate directions to Respondent No. 3 (JBVNL (Jharkhand BijliVitrان Nigam Limited), erstwhile Jharkhand State Electricity Board (JSEB) to disconnect electricity supply to Respondent No. 2's plant at Mouza + PS - Ratanpur, Kandra Chandil, District - Sarikela Kharsawan within 24 hours, while also restraining Respondent No. 2 from operating any polluting machinery/processes, discharging any effluents or emissions, or transporting any finished products from the unit at Mouza + PS - Ratanpur, Kandra Chandil, District - Sarikela Kharsawan.
- iii. Pending final disposal of the present application, this Hon'ble Tribunal may be pleased to directions upon the respondent no. 1, 3 to 6 to submit a compliance report before this Hon'ble Tribunal within a time frame;



Sayam Kumar Jaha

- iv. Pending final disposal of the present application, this Hon'ble Tribunal may be pleased to appoint a Local Commissioner/committee comprising of respondent no. 1, 3 to 6 to physically inspect the unit of the respondent no.2 at Mouza + PS - Ratanpur, Kandra Chandil, District - Sarikela Kharsawan and verify its operational status, seal all unauthorized installations, and prepare an inventory of all raw materials and finished goods at the site and further impose environmental compensation for the continued violation;
- v. Pending final disposal of the present application, this Hon'ble Tribunal may be pleased to direct the freezing of all bank accounts of Respondent No. 2 to ensure availability of funds for environmental remediation and imposing a daily penalty of Rs. 5 lakhs (Rupees Five Lakhs only) on Respondent No. 2 for any violation of this Hon'ble Tribunal's interim orders.
- vi. Pass such other further order or orders as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the present case and in the interest of environmental justice.



And for this act of kindness your applicant as in duty bound shall ever pray.

Nayan Kumar Patra

VERIFICATION

I, Nayan Kumar Patra, the Applicant herein do hereby humbly verify that the statement made in paragraphs here in above are true to the best of my knowledge and belief to be based on records and the rest thereof are my humble submissions before this Honorable Tribunal.

Signed and verified in the Court House at Bankshall Court at Calcutta

Date: 8.11.2025

Nayan Kumar Patra

Deponent

Sayanwita Auddya
Advocate
F/2959/2024



Serial No. 18

AFFIDAVIT

I, Nayan Kumar Patra, son of Shri Nandan Kunj Patra, aged about 33 years, by faith – Hindu, by Occupation - farmer, Resident of: Post Jhabri, Padadih, Seraikela-Kharsawan, Jharkhand - 832 404, the Applicant do hereby solemnly affirm and state as follows:-

1. That I am the Applicant herein. I know and have made myself fully acquainted with the facts and circumstances of this case. I am competent to and do affirm this affidavit for and on behalf of myself.

2. The statements made in statement made in paragraph no. 1 to 6, A, B, and C are true to the best of my knowledge and are information derived from record and I belief to be based on records and the rest thereof are my humble submissions before this Hon'ble Tribunal.

Nayan Kumar Patra
Deponent

Identified by me

Sayamita Auddya
Advocate

Enrollment No. F/2959/2024

Before me

Solemnly Affirmed & Declared
before me on identification

SM
Notary Public

Sabarni Midya, Notary
Reg. No.-52424 Govt. of India
High Court at Calcutta



08 NOV 2025



झारखण्ड राज्य प्रदूषण नियंत्रण पर्वद

Jharkhand State Pollution Control Board

नगर प्रशासन भवन, एच0ई0सी0, धुर्वा, रॉंची

दूरभाष : 2400851, 2400852, 2400979 फॅक्स : 0651- 2400850 /138,

Web: www.jspcb.nic.in (new) www.jspcb.org(old)

E-mail: ranchi@jspcb@gmail.com

Letter A

Ref. No... B-2028

Date..10/09/2024

From,

S. K. Srivastava
Officer on Special Duty

- 37 -

To,

Sri Ram Pravesh Kumar,
Regional Officer, Regional Office,
Jamshedpur

Sub:- Submission of inspection-cum-verification report of M/s Nilachal Iron and Power Limited, At + Mauza- Ratanpur, Kandra, Chandil, Distt- Saraikela-Kharsawan- reg.

Ref.: Board's letter vide ref. no. B-1252, dated 21.05.2024

Sir,

With reference to the above noted subject and referred letter, this is to inform you that an order was passed on 26.04.2024 by Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata in OA No.- 156/2023/EZ, earlier OA No.- 426/2021/PB, in the matter of "Dasai Munda & others Vs. State of Jharkhand".

Whereas, the Jharkhand State Pollution Control Board has issued a direction vide Board's ref. no. B-1252, dated 21.05.2024 whose operative part is as follows: -

"That, the unit shall henceforth not operate the expanded part of its unit without valid Environmental Clearance and shall submit a notarized affidavit of this intent to the JSPC Board, Head Quarter within 07 days."

On the basis of the above, you are directed to inspect the site and submit the factual status -cum- verification report of the order issued at the earliest.

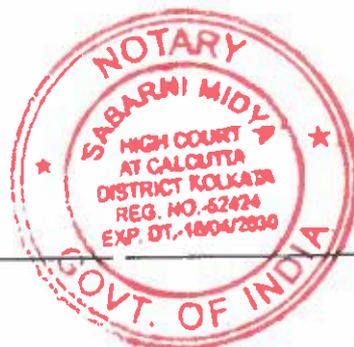
Encl: As stated above.

Yours Sincerely

(S. K. Srivastava)

Officer on Special Duty

D/JSR/1





JHARKHAND STATE POLLUTION CONTROL BOARD

T.A. DIVISION BUILDING (GROUND FLOOR), H.E.C., DHURWA, RANCHI-834004
Phone: - 2400862, 2400851 Fax :- 0651-2400850, Website:-www.jspcb.org

Letter - B

Ref. Letter No. B-2/252
From

O/C

Ranchi, Dated: - 21/05/2024

Kamlakant Pathak,
Section Head.

- 28 -

To

M/s Nilachal Iron & Power Ltd. (550 TPD),
Mauza- Ratanpur, Kandra Chandil,
Dist- Saraikela Kharsawan.

Sub: Direction(s) under section 33(A) of the Water (Prevention & Control of Pollution) Act, 1974 and under section 31(A) of the Air (Prevention & Control of Pollution) Act, 1981- Regarding.

Whereas, the Unit has obtained Consent-to-Establish (CTE) vide Board's, Ref No. 267 dated 17.12.2003 and Ref. No. 1839 Ranchi, Dated 01.04.2009 for Sponge Iron Plant - 2x100 TPD, Sponge iron Plant - 1x500 TPD, Captive Power Plant - 75 MW (WHRB & CFBC)- 75 MW, Coal Washery - 0.9 MTPA.

Whereas, Environmental Clearance (EC), was granted to the Unit vide MoEF&CC F. No. J-1011/662/2008 IA II (I) dated 24.12.2009 for expansion of Sponge Iron Plant (350 TPD) into Integrated Steel Plant (0.7 MTPA) along with captive Power Plant (75 MW) at Ratanpur - Kandra village, Gamharia Block, Dist- Seraikela-Kharsawan.

Whereas, Consent to Operate (CTO) was granted to the Unit vide Board's Ref No. JSPCB/HO/RNC/CTO-14798208/2023/986 Dated : 2023-06-06 At- Khata No. 1, 6, 7, 12, 13, 14 and 17, Plot No. 79 to 389 over an Area of 56.0864 Acres with Investment of 12,100.04 Lac for product and capacity Sponge Iron - 2 X 100 TPD and 1 X 350 TPD valid up to 30.06.2024 for Existing Unit.

Whereas, the Unit has completed its construction and erection of SMS, CCM, Rolling Mill (RM) and Rotary Kiln (Partly) without obtaining EC and CTE from the competent authority.

Whereas, the Regional Officer, JSPCB Board, Regional Office-cum-Laboratory, Jamshedpur vice his letter No. 860 dated 12.05.2021 has directed the Unit to stop the construction works of SMS, CCM, Rolling Mill and Rotary Kiln until EC and CTE is obtained from competent authorities. Reminder of the same was also sent vide letter No. 205 dated 23.03.2022.

Whereas, in the meanwhile, a matter was taken up before the Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata in O.A. No. 156/2023/EZ (Earlier O.A. No. 426/2021/PB) in the matter of "Dasai Munda & Others Vs. State of Jharkhand". Wherein, the Hon'ble Tribunal was pleased to pass certain order on dated 26.04.2024, the operative part of which is reproduced as below:

"29. The Original Application No.156/2023/EZ is accordingly disposed of with a direction that the Respondent No.6 shall not operate the expanded part of its Unit without valid Environmental Clearance."

Now, therefore, in view of the above, the undersigned by exercising the powers conferred under section 33(A) of the Water (Prevention & Control of Pollution) Act, 1974 and under section 31(A) of the Air (Prevention & Control of Pollution) Act, 1981 is issuing the following directions :-

Rizvi- EC (Nilachal) - Final(A4)- Closure/12



- 89 -

(A) That the Unit shall henceforth not operate the expanded part of its Unit without valid Environmental Clearance and shall submit a notarized affidavit of this intent to the JSPC Board, Head quarter within 07 days;

In case of failure to do so, legal action may be initiated against the occupier/ persons who was in-charge of, and was responsible for the conduct of the business of the Unit as well as the Unit.

This issue with the approval of the Competent Authority.

Sd/-
(Kamlakant Pathak)
Section Head

Memo No. B-1252

Ranchi, dated 21/05/2024

Copy to: The Secretary, Jharkhand State Electricity Board, Ranchi/ The General Manager, Jharkhand Vidyut Nigam Limited, Saraikela Kharsawan/ The Chief Inspector of Factories, Ranchi for information and necessary action.

Sd/-
(Kamlakant Pathak)
Section Head

Memo No. B-1252

Ranchi, dated 21/05/2024

Copy to: The Deputy Commissioner, Saraikela-Kharsawan / the GM, DIC, Saraikela-Kharsawan for information and it is directed to ensure the compliance of the direction issued by the Board.

Sd/-
(Kamlakant Pathak)
Section Head

Memo No. B-1252

Ranchi, dated 21/05/2024

Copy to: The Regional Officer, JSPCB, Regional Office-cum-Laboratory, Jamshedpur for information & it is directed to deliver the letter to the unit and ensure the compliance of the directions issued by the Board.

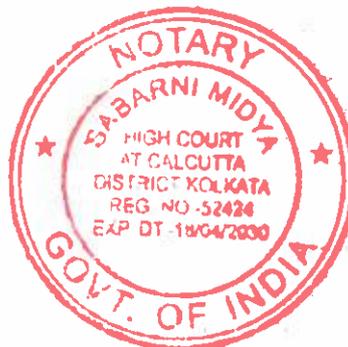
Sd/-
(Kamlakant Pathak)
Section Head

Memo No. B-1252

Ranchi, dated 21/05/2024

Copy to: The Section Head, Jamshedpur for information and to ensure necessary action his end.

Kamal
21/05/2024
(Kamlakant Pathak)
Section Head



- 40 - Letter-C

Item No.07

Court No.1

**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
(THROUGH PHYSICAL HEARING WITH HYBRID MODE)**

Original Application No.156/2023/EZ
Earlier Original Application No.426/2021/PB

IN THE MATTER OF:

Dasai Munda & Ors.

...Applicant(s)

Versus

1. State of Jharkhand,
Through its Chief Secretary,
Government of Jharkhand,
2. Union of India,
Through its Secretary,
Ministry of Environment, Forests and Climate Change,
Government of India,
3. Principal Secretary,
Department of Industries,
Government of Jharkhand,
4. Jharkhand State Pollution Control Board,
5. District Magistrate,
Saraikela Kharsawan, (Jharkhand),
6. Neelanchal Iron and Power Ltd.
Ratanpur, Saraikela,

...Respondent(s)

Date of hearing: 26.04.2024

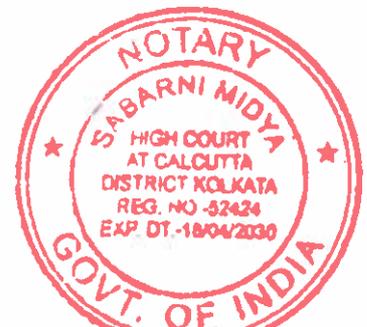
**CORAM: HON'BLE MR. JUSTICE B. AMIT STHALEKAR, JUDICIAL MEMBER
HON'BLE DR. ARUN KUMAR VERMA, EXPERT MEMBER**

For Applicant(s) : Mr. Vikas Garg, Amicus Curiae (in Virtual Mode)

For Respondent(s): Ms. Aishwarya Rajyashree, Adv for R- 1,3&5,
Ms. Amrita Pandey, Adv. for R-2, (in Virtual Mode)
Mr. Kumar Anurag Singh, Adv. for R-4, (in Virtual Mode)
Mr. Ashim Sridhar, Adv for R-6, (in Virtual Mode)

ORDER

1. Mr. Vikas Garg, Amicus Curiae, is present (in Virtual Mode).



2. The Original Application No.426/2021/PB was registered by the New Delhi Bench of the National Green Tribunal on the basis of a complaint received by post by the Applicants, Dasai Munda & others.
3. The grievance of the Applicants in the Original Application is that Neelanchal Iron and Power Ltd. Ratanpur, Saraikela Plant, is operating for the last many years violating environmental norms. It is stated that toxic emission from the industry is causing serious health hazard and damage to the crops as well as environment.
4. It is also alleged that construction work of 600 TPD Sponge Kiln and 15 MTX3 Crucible Steel Melting Shop and CCM is about to start in the above Plant without any Environmental Clearance (EC) or Consent to Establish (CTE) and that complaints were also made in this regard to the Jharkhand State Pollution Control Board but no action has been taken.
5. Considering the matter, the New Delhi Bench of the National Green Tribunal constituted a fact finding Joint Committee comprising of the following Members:-
(A) Central Pollution Control Board,
(B) Jharkhand State Pollution Control Board, and
(C) District Magistrate, Saraikela Kharsawan, (Jharkhand)
6. The Joint Committee was required to visit the site in question and submit its factual Report within three months.
7. Accordingly, the Joint Committee Report has filed its Report vide e-mail dated 11.09.2022 before the New Delhi Bench of the Tribunal. Relevant extract of the Report reads as under:- order dt.

*XXX.....XXX.....XXX.....



Background

1. Honourable NGT constituted a joint committee as above based on the grievance in the application filed by Sri Dasai munda , Ratanpur, Seraikela kharsawn and others regarding alleged 'Inaction of authorities in taking steps to control air pollution caused by operation of the industry for many years violating environmental norms. Also it is alleged that toxic emission from the industry is also causing serious health hazard and damage to crops as well as to environment. Complainant has also mentioned that construction work of 600 TPD sponge kiln, 15 x3 MT Crucible steel melting shop and CCM has been started without obtaining EC.
2. The company had obtained its I." EC vide MoEF, letter no. J-11011/662/2008-IA II (I) dated 24-12-2009. CTE from Jharkhand State Pollution Control Board was also obtained vide JSPCB Memo No. 1839. / Fax No. 06512224135 dated 22-01-2010. Pursuant to obtaining EC/CTE company erected 550 TPD DRI plant (2x100 TPD, 1x350 TPD) and Coal Washery during 2010-2011 and started production after obtaining CTO. The validity of EC expired in 2016.
3. Company has also erected 10 MW WHRB based captive power plant and has submitted application for CTO to JSPCB
4. Company's operation was suspended between 2012 to 2015 due to adverse falling market matrix and other dependent variables. Operation was restarted in 2016. There was also change of ownership and management in 2018.
5. As covid-19 pandemic emerged as major obstacle for development in the region, people of surrounding villages have very few means for any sustainable livelihood. The company submitted that in order to support the livelihood of poor villages in the surrounding villages, in anticipation of EC, the company gave employment on humanitarian grounds and started functioning.
6. Company again applied for fresh EC with MoEF, New Delhi vide its letter dated 10.07.2020 as it decides to expand the existing steel plant to Integrated Steel Plant through installation of 1800 TPD (3x600 TPD) DRI kilns along with Beneficiation Plant for Iron ore (1X0. 6 MTPA), Pellet Plant (1x0. 6 MTPA), Steel Melting Shop (2x25 T + 4x1 5 T Induction Furnaces) with matching LRF & CCM.



Roiling Mill (0.35 MTPA), Ferro alloy Plant (1x1 6.5 MVA), Briquette plant for Chrome Ore (1x30 TPH), Oxygen plant (100 TPD)- and 75 MW (50 MW WHRB based + 25 MW AFBC based) Captive Power Plant within the existing plant premises and the land adjacent to the plant premises. Since company has obtained TOR, completed draft DA EMP study report and based on this JSPCB, Ranchi successfully conducted Public hearing on 27th September 2021. Now application is pending with MOEF, New Delhi for grant of EC.

Observations

1. Ambient air pollution caused due to production activities, loading and unloading of raw materials and plying of heavy vehicles on both kuccha and pucca roads adds to air pollution in and around factory was visible. Though it was insignificant. This was made possible as company recently refurbished ESP at a cost of Rs. 2.0 crores that became obsolete in course of time as its operation was suspended for long. 600 pieces of new bags have replaced old bags from 10 number of bag filter modules fitted to coal circuit, CD building, finished product house and blending unit. > 80 numbers of water sprinklers are placed along road side and other vulnerable areas of the Plant for dust suppression. Company has further deployed 03 water tankers (5KL of each) for the purpose. Besides company has planted > 900 tree saplings during monsoon within premises.
2. 5 Soil samples were collected from agricultural plots of village Ratanpur located around plant premises for identifying degree of soil pollution caused by Industry. Samples have been analyzed by District Vigyan Kendra, Searikela kharsawan for its physico-chemical characteristics vis a vis soil pollution caused for emissions from NIPL Ratanpur. Soil test results do not show any significant Impact on soils of nearby agricultural fields. This is evident from soil test report attached (Annexure 1).
3. Company has completed its construction and erection of SMS, CCM, Rolling mill (RM) and Rotary kiln (partly) without obtaining EC and CTE. It is presently under trial run. JSPCB, Jamshedpur vide its letter no. 860 dated 12.05.2021 has directed company to stop the construction works of SMS, CCM, Rolling mill and Rotary kiln until EC and CTE is obtained from competent authorities.

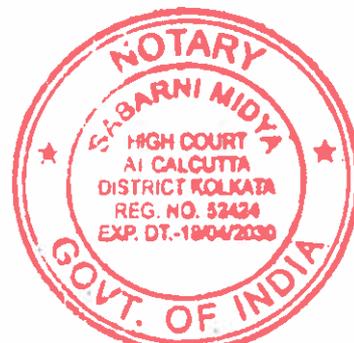


Reminder for same was also sent vide letter no, 205 dated 23.03,2022(Annexure 3).

4. Committee tried to locate and reach Mr Dasai Munda and others of Jharkhand Adivasi Jan Kalyan Morcha, Jharkhand to understand and record his views in person vis a vis petition to Honorable NGT, New Delhi. But task could not be accomplished for lack of complete address of the complainant.

Recommendations

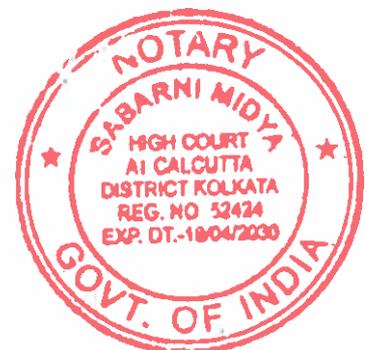
1. **Installation of water sprinklers** - Water tankers, fixed type sprinklers, potable water sprinklers besides fog based dust suppression are less in number and is not commensurate with scale of operation. This adds to air pollution. Company need to strengthen the existing dust control system in place.
2. **Haul roads**- Haul roads within premises is made of mix of boulders and loose soil. It adds to fugitive emission for plying of heavy vehicles at high frequency. All roads to be made pucca.
3. **Keep multiple handling of input and output materials to minimum**- This will reduce fugitive emission considerably and the resultant dust pollution.
4. **Dense green belt development**- Negligible planation is visible along boundary, haul roads and other areas within premises. Saplings to be planted at 2x2 M grid distance such that minimum 33% of project area is occupied by greenery, Reinforcing green belts with grass, herb and shrub coupled with sustained maintenance are very effective barrier against fugitive emission generated during process and handling of materials. This will contain dusts within premises and will protect nearby inhabitants as also the surrounding ecology.
5. **Develop dense grass/vegetation on all bare lands**- All available bare lands within premises to be thickly grassed/vegetated and properly maintained. This will reduce dust getting air borne and its resultant impact.
6. **Installation and Interlocking of Online ambient air system with operation of water sprinklers**-Minimum 2 no of online AAQM systems to be commissioned in the downstream of pre dominant wind direction/problem areas. 1st to be installed where dust concentration is maximum(within premises) and second where this is brought within CPCB norm (habitations). Operation of water sprinklers in the area to be



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interlocked with Online system such that sprinklers starts as dust concentration exceeds norms and stops as it is brought within norms. Chemical dosed water spray should be done for dust suppression on kuccha roads.

7. **Dedicated team for controlling dust emission-** A dedicated team led by an officer not less than Manager rank to be deployed at site for controlling fugitive emission/other pollutions generated in the area.
 8. **Awareness campaign-** To be conduct at least once in 6 months among employees and other stakeholders highlighting importance of clean environment.
 9. **Obtain EC-** Company to expedite process of grant of EC following due process of the law as it has already filed EC application for its expansion project with MOEF, New Delhi and public hearing has been conducted successfully."
8. The following were impleaded as Respondents in the present case:-
- (1) State of Jharkhand, through its Chief Secretary, Government of Jharkhand,
 - (2) Union of India, through its Secretary, Ministry of Environment, Forests and Climate Change, Government of India,
 - (3) Principal Secretary, Department of Industries, Government of Jharkhand,
 - (4) State Pollution Control Board,
 - (5) District Magistrate, Saraikela Kharsawan, (Jharkhand), and
 - (6) Neelanchal Iron and Power Ltd. Ratanpur, Saraikela Plant,
9. The case was thereafter transferred to the Kolkata Bench of the National Green Tribunal by the New Delhi Bench vide its order dated 22.08.2023.
10. Notices were issued to the Applicants on 18.10.2023. The case was listed on 08.01.2024, 19.01.2024 and 14.03.2024 but neither the Applicants nor any Counsel had appeared on their behalf.

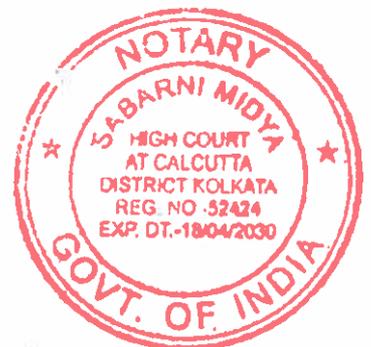


11. The Respondent No.6, Nilachal Iron and Power Ltd., has filed affidavit dated 14.12.2022 stating therein that the Plant of the said Respondent was established on 06.05.2002; initially 350 TPD kiln was commissioned and it commenced commercial production on 01.04.2005. Thereafter, M/s Jai Balaji Group took over the ownership of Nilachal in 2007. The Respondent No.6 applied and was granted Consent to Establish (CTE) and Consent to Operate (CTO) on 17.12.2003 and 04.02.2005 respectively.
12. In the affidavit, it is further stated that the said Respondent applied for Environmental Clearance (EC) for expansion of M/s Nilachal Iron & Power Ltd. which was granted on 24.12.2009 and pursuant to the grant of Environmental Clearance, the Respondent No.6 Plant commissioned 100x2 TPD Kilns in 2010. It is stated that in March, 2018, the management and ownership of Respondent No.6 Plant was taken over by M/s Niryat Private Limited and 12 MW (WHRB) Power Plant was commissioned for which Environmental Clearance was not required. The said Power Plant started generating power in January, 2021.
13. It is further stated that the Respondent No.6 intended to expand the existing Sponge Iron Plant (350 TPD) into Integrated Steel Plant along with Captive Power Plant for which Environmental Clearance was required. It is stated that Environmental Impact Assessment has already been completed and is pending approval for grant of Environmental Clearance. Terms of Reference (ToR) was also issued by the Ministry of Environment, Forests and Climate Change, New Delhi ('MoEF' for short) on 06.09.2020 and thereafter public hearing was conducted on 27.09.2021 and the minutes of the



public hearing have also been forwarded by the Jharkhand State Pollution Control Board to the MoEF on 25.10.2022.

14. Further affidavit dated 07.12.2023 has been filed by the Respondent No.6, Nilachal Iron and Power Ltd., denying that the said Respondent is engaged in any activity causing toxic emissions damaging crops and environment. The findings of the Inspection Committee have been denied and it is reiterated that the application of the said Respondent for grant of Environmental Clearance is under process before the MoEF, New Delhi.
15. With regard to the recommendations of the Joint Committee, it is stated that; (1) 40% of the internal roads have been laid, especially road from main gate towards SMS and rolling area, (2) in addition to the water sprinklers, road laying work and covering of the raw materials, Air Filtration System has also been deployed to reduce air pollutants, (3) following dust excretion systems in DRI Plant to control the dust emission in the environment have been installed; (4) three "High efficiency Electrostatic Precipitator" (ESP) of 99.9% have been provided for limiting Suspended Particular Matter (SPM) concentration in the flue gas to less than 50 mg/Nm³ in 2x100 and 350 DRI Plant respectively, (5) 2 bag filters in 2x100 and 3 bag filters in 350 for removing the dust contained in the exhaust gases have been installed, (6) for hot flue gases, Waste Heat Recovery Boiler (WHRB) has been installed.
16. It is also stated that for control of fugitive emission from process units in Nilachal's Plant following measures are stated to have been put in place - (a) preventive maintenance of valves and other equipment, (b) green belt on all sides within the project boundary and community plantation around the Unit, (c) Ambient Air Quality



and stack/fugitive emissions monitored regularly, (d) sprinklers in the high Ground Level Concentration (GLC) area have been installed in the Plant, (e) training has been provided to Plant personnel with regard to operation and maintenance of dust collector, techniques of dust emission measurements, particle size analysis etc. It is also stated that for control of water pollution, the Respondent No.6 has installed 50 KLD Sewage Treatment Plant i.e., STP for treatment of administrative sewage waste from all sections of Nilachal's Plant and the Plant is also using water in sprinklers for dust suppression on road, stock yard and material handling area. It is also stated that the Respondent No.6 has installed mechanisms for collection of rain water in RHW Pond (rainfall harvesting) for further utilization in the recharging of the Nilachal Plant ground water. It is also stated that 900 tree saplings have been planted during monsoon season and further 5000 tree saplings have been planted within the premises along the boundary towards green belt and all spare land has been covered with grass and shrubbery and at present at least 20% of the area has been covered with plantation.

17. In the affidavit, it is further stated that Respondent No.6 has engaged USR Enviro for testing of ambient air, fugitive emission, noise, groundwater, surface water and harvesting pond and USR Enviro has engaged a third party consultant, namely, Asia Enviro Lab, as a sub-consultant to monitor ambient air quality for the Plant.
18. Affidavit dated 26.12.2022 has been filed by the Respondent No.2, Ministry of Environment, Forest and Climate Change, stating therein that the Project Proponent, M/s Nilachal Iron & Power Ltd.,



Respondent No.6, was accorded Environmental Clearance dated 24.12.2009 for the Project located at Ratanpur-Kandra Village, Gamharia Block, District-Saraikela Kharswan, Jharkhand. It is further stated that for expansion of the existing Steel Plant to Integrated Steel Plant, through installation of 1800 TPD (3x600 TPD) DRI Kilns along with the Beneficiation Plant for Iron Ore (1x0.6 MTPA), Steel Melting Shop (2x25 T + 4X15 T Induction Furnaces) with matching LRF & CCM, Rolling Mill (0.35 MTPA), Ferro Alloy Plant (4x16.5 MVA), Briquette Plant for Chrome Ore (1x30 TPH), Oxygen Plant (100 TPD) and 63 MW (38 MW WHRB based + 25 MW AFBC based), capacity Captive Power Plant, the Project was considered by the Expert Appraisal Committee (EAC) (Industry I Section) in its meeting held on 26-28th August, 2020, and based on the recommendations of the EAC the Project Proponent has been accorded Terms of Reference (ToR) on 06.10.2020.

19. It is also stated that the Project Proponent had submitted online application vide his application dated 04.01.2021 along with Form 3 for amendment in ToR dated 06.10.2020 which was considered and thereafter the EAC recommended the proposal for amendment in the ToR on 12.02.2021. It is further stated that the Environment Impact Assessment (EIA)/Environment Management Plan (EMP) Report for expansion Project has not been received by the Ministry in PARIVESH portal and the whole process for grant of Environmental Clearance is through the PARIVESH portal.
20. An Action Taken Report has been filed by the Jharkhand State Pollution Control Board (pages 204-205 of the paper book), stating that direction for closure of the Unit was issued by the State Board



vide its letter dated 10.09.2022 and Environmental Compensation was determined @ 79,73,438/- (Rupees Seventy Lakhs Seventy Three Thousand Four Hundred and Thirty Eight Rupees only). Thereafter, the Unit represented before the State Board vide its letter dated 20.09.2022 to reconsider the decision by stating that instead of compensation for 189 days, compensation for 56 days be accepted, since the Unit was shut down for 133 days. The matter was reconsidered by the State Board and Environmental Compensation was recomputed to Rs.23,62,500/- (Rupees Twenty Three Lakhs Sixty Two Thousand Five Hundred only) vide its letter dated 16.11.2022. It is further stated that the said amount of Rs.23,62,500/- (Rupees Twenty Three Lakhs Sixty Two Thousand Five Hundred only) has been deposited by the Respondent No.6 Unit vide Demand Draft No.507205 dated 16.11.2022.

21. The Respondent No.6 has filed further affidavit dated 08.04.2023 stating that at present total 6289 plants are within the premises of the Unit. It has also developed Green Belt Development Plant as per agroclimatic zone, soil condition, climatic & rainfall pattern and Central Pollution Control Board recommended pollutants tolerant, dust accumulators and native high growing plants. As per this Plant:-

- (a) proposed green belt would be covering around 33% of the total area i.e., 18.5 acres out of 56.0864 acres,
- (b) green belt would be consisting of shrubs, trees, avenue trees, revenue trees, crops and potted plants,
- (c) in addition to existing trees, total 30,951 trees will be planted which will cover an area of about 13.07 acres of the land,

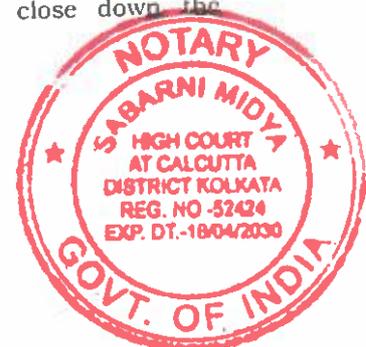


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(d) total 11,340 trees have been proposed for plantation of trees surrounding the Plant area and within the Plant area, and

(e) two gardens have been proposed of which one has been developed within the Plant premises in 0.05 acres.

22. Further Action Taken Report has been filed by the Jharkhand State Pollution Control Board, (pages 415-422 of the paper book), stating therein that Project Proponent, Respondent No.6, has submitted its response to a show cause notice dated 16.02.2023 issued by the State Board and in para 1E it is stated that the Project Proponent has applied to obtain fresh Consent to Operate (CTO) for Sponge Iron - 2x100 TPD & 1x350 TPD with Waste Heat Recovery Boiler (WHRB) Power Plant vide application dated 22.11.2022 but it did not file any documents in support thereof which showed that the Unit was operating the expanded part of its Plant without Environmental Clearance, Consent to Establish and Consent to Operate.
23. It is further stated that the Project Proponent admitted under the heading "Construction Status" that it had installed the 2x600 TPD Sponge Iron Plant, 3x10T Steel Melting Shop, 2,30,000 TPA Rolling Mill and 37 MW capacity WHRB Plant and under the heading "Operation status" it was also admitted by the Unit that capacity of 1x600 TPD Sponge Iron Steel Plant, 3x10T Steel Melting Shop and 2,30,000 TPA Rolling Mill were fully functional and maintained. These facts were also confirmed in the Inspection Report of the Jharkhand State Pollution Control Board dated 27.02.2023 during the inspection of the Unit carried out on 20.02.2023. Therefore, considering these facts, the State Board vide its order dated 21.03.2023 directed the Respondent No.6 to close down the



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expanded part of the Unit for carrying out expansion activity of the Unit without obtaining Environmental Clearance, Consent to Establish or consent to Operate. It is also stated that penalty was also computed @ Rs.5,36,32,000/- (Rupees Five Crores Thirty Six Lakhs Thirty Two Thousand only) and the Respondent No.6 was directed to deposit the same with the Jharkhand State Pollution Control Board.

24. In the affidavit, it is also stated that in compliance of the directions, the Regional Officer, Jharkhand State Pollution Control Board, Jamshedpur, has filed a complaint case against the Respondent No.6 before the Court of Chief Judicial Magistrate, Saraikela Kharsawan, on 10.04.2023.
25. It is also stated that the Respondent No.6, M/s Nilachal Iron & Power Ltd. has deposited the penalty amount of Rs.5,36,32,000/- (Rupees Five Crores Thirty Six Lakhs Thirty Two Thousand only) vide Demand Draft No.507592 dated 04.04.2023.
26. Further affidavit dated 11.01.2024 has been filed by the Respondent No.6 stating therein that the Expert Appraisal Committee (EAC) conducted a detailed analysis of the compliances made by the said Respondent, and the Committee has recommended proposal for grant of Environmental Clearance subject to uploading the written submission on portal under the provisions of EIA Notification, 2006, read with Ministry's Office Memorandum dated 09.08.2018.
27. **I.A. No.11/2024/EZ** has also been filed by the Project Proponent, Respondent No.6, clarifying that Environmental Clearance has not been granted yet but has been proposed to be granted.



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28. In view of the facts noted hereinabove, we find that nothing further remains for adjudication in the present case.
29. The Original Application No.156/2023/EZ is accordingly disposed of with a direction that the Respondent No.6 shall not operate the expanded part of its Unit without valid Environmental Clearance.
30. I.As. if any, stand disposed of accordingly.
31. There shall be no order as to costs.

.....
B. Amit Sthalekar, JM

.....
Dr. Arun Kumar Verma, EM

April 26, 2024,
Original Application No.156/2023/EZ
(Earlier Original Application No.426/2021/PB)
AK





झारखण्ड राज्य प्रदूषण नियंत्रण पर्वद

Jharkhand State Pollution Control Board

नगर प्रशासन भवन, एच0ई0सी0, धुर्वा, राँची

दूरभाष : 2400851, 2400852, 2400979 फ़ैक्स : 0651- 2400850/138,

Web: www.ispcb.nic.in (new) [www.ispcb.org\(old\)](http://www.ispcb.org(old))

E-mail: ranchiispcb@gmail.com

D

-58-

Ref. No. B-2210

Date 17/10/2024

From,

R. L. Bakshi
Member Secretary

To,

The Director,
M/s Nilachal Iron & Power Limited (550 TPD)/OCL Iron & Steel Limited.
Mauza- Ratanpur, Kandra, Chandil Distt- Saraikela-Kharsawan

Sub: Show-cause notice under Section 25/26 of the Water (Prevention and Control of Pollution) Act, 1974 and under Section 21 (4) of the Air (Prevention and Control of Pollution) Act, 1981- reg.

- Ref.: i. Board's letter vide ref. no. B-2766, dated 19.12.2023.
ii. Board's letter vide ref. no. B-788, dated 21.03.2024.
iii. Board's letter vide ref. no. B-1252, dated 21.05.2024.

Whereas, Environmental Clearance (EC), Ref No. J-11011/662/ 2008 IA II (I) dated 24.12.2009 for expansion of Sponge Iron Plant (350 TPD) into Integrated Steel Plant (0.7 MTPA) along with captive Power Plant (75 MW) at Ratanpur - Kandra village, Gambaria Block, Dist- Saraikela Kharsawan by M/s Nilachal iron & Power Ltd. with point wise compliance report;

Whereas, you have obtained Consent-to-Establish (CTE), Ref No. 267 dated 17.12.2003 and Ref. No. 1839 Ranchi, Dated 01.04.2009 for Sponge Iron Plant - 2x100 TPD, Sponge iron Plant - 1x500 TPD, Captive Power Plant - 75 MW (WHRB & CFBC)- 75 MW, Coal Washery - 0.9 MTPA

Whereas, Consent to Operate (CTO) has been granted vide Ref. no. JSPCB/HO/RNC/CTO-16816315/2023/2052, dated 09.12.2023 at Mauza- Dighi, East Singhbhum, area- 55.7363 Acre, Investment- 6150Lacs, Electric Power (WHRB)- 12 MW valid till 30.06.2024 with terms and conditions.

Whereas, Regional Officer, JSPC Board, Regional Office-cum-laboratory, Jamshedpur vide its letter memo no. 472 dated 11.06.2022 has informed that the Unit has completed the construction work of SMS, CCM, Rolling Mill and Rotary Kiln and simultaneously it was directed not to operate or initiate the production until the grant of the E.C & C.T.E from the concerned authority.

D/JSR/31



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Whereas, in receipt of the I.R. from the Regional Office-cum-Labrotary, Jamshedpur, show cause notice was issued to the Unit vide ref. no. B-1243 dated 30.06.2022 and it was directed to deposit the environmental compensation of Rs. 79,73,438/- within 7 days from the date of the issuance of the letter.

Whereas, in response to the above, the Unit has submitted its reply on 25.07.2022 requesting to wave off the amount imposed as environmental compensation of Rs. 79,73,438/- but the reply submitted by the unit was found not satisfactory by the Board.

Whereas, in connection to the above, the board has issued closure direction to the Unit vide letter ref. no. B-1867 dated 10.09.2022 with a direction to close the entire unit with immediate effect.

Whereas, in response to the above, the Unit has requested to re-consider the direction to close down the unit and accept the compensation for 59 days. In repose to the reply the Board has directed Regional Office-cum-laboratory, Jamshedpur was directed to verify the no. of violation vide Boards' letter no. B-2250 dated 18.10.2022.

Whereas, Regional Office-cum-Laboratory, Jamshedpur vide letter ref. no. 706 dated 22.10.2022 submitted the verification report stating that environmental compensation is to be levied for only 56 days from 79 days.

Whereas, in receipt of the verification report, the Board vide its letter no. B-2349 dated 16.11.2022 has directed the unit to deposit the revised environmental compensation of amount Rs. 23,62,500/- within 15 days. The Unit vide letter dated 17.11.2022 has submitted the amount of Rs. 23,62,500/- imposed as environmental compensation.

Whereas, the Board vide letter ref. no. B-58 dated 09.01.2023 has revoked the closure direction issued to the Unit vide letter ref. no. B-1867 dated 10.09.2022.

Whereas, again an inspection report has been submitted by the Regional Office-cum-laboratory, Jamshedpur vide letter ref. no. 210 dated 27.02.2023 stating that SMS, CCM, Rolling Mill and Rotary Kiln were found operational without having E.C, C.T.E & C.T.O from the concerned authority.

Whereas, in connection to the above said I.R, the Board has issued a direction was issued for closure under Section 33 (A) of the Water (Prevention and Control of Pollution) Act, 1974 and Under Section 31 (A) of the Air (Prevention and Control of Pollution) Act, 1981 to close down the expanded part of the unit, which is neither having Environmental Clearance nor have CTE and CTO with immediate effect and not to operate the expanded part till further orders vide its letter no. B-586, dated 21.03.2023.



D/JSR/32

Whereas, the Regional Officer, Regional Office, JSPCB, Regional Office-cum-laboratory, Jamshedpur has inspected the unit on 14.06.2023 and submitted the I.R to the Board vide ref. no.582 dated 17.06.2023 stating the following facts:

1. Rotary kiln 2X600 TPD of capacity 2X600 TPD were found operational without has E.C. and C.T.E
2. ESP of one of the said rotary kiln was not functional due to which huge dust emission was found.
3. It was observed that the Unit is not at all serious regarding the Pollution Control Measures.

The Regional Officer, Regional Office, JSPCB, Regional Office-cum-laboratory, Jamshedpur vide ref. No. 584 dated 17.06.2023 has also directed the Unit to stop the operation of the newly commissioned/ installed rotary kiln 2X600 TPD with immediate effect as huge dust emission was found from the violating section of the said unit.

Whereas, in light to of the above, Show Cause Notice was issued by the to the Unit vide ref. no. B-1835 dated 24.07.2023 to be heard on 26.07.2023 but neither the person himself nor his representative has appeared to explain their part. Consequently, 2nd Show Cause Notice was issued by the Board vide ref. no. B-2012 dated 17.08.2023 to be heard on 24.08.2023.

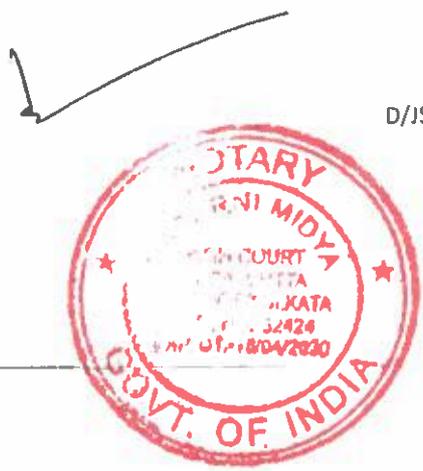
Whereas, the Unit has submitted its dated 24.08.2023 along with enclosures and with a deceleration stating *"that the above plants which have been implemented under violation are not operational presently and these plants will remain closed till the grant of Environmental Clearance, CTE and CTO"*

Whereas, the Regional Officer, Regional Office, JSPCB, Regional Office-cum-laboratory, Jamshedpur was directed again has submitted the inspection-cum-verification report vide memo no. 944, dated 11.09.2023 mentioning that during inspection, expanded part of the unit (2X600 TPD rotary kiln, 3X10 TPD, 4X15 TPD SMS and rolling mill and 37 MW Power Plant (WHRB)) was found non-operational.

Whereas, it was, also directed to dismantle the expanded part of the Unit (2X600 TPD rotary kiln, 3X10 TPD, 4X15 TPD SMS and rolling mill and 37 MW Power Plant (WHRB)) and intimate to the Regional Officer, JSPCB, Regional Office-cum-Laboratory, Jamshedpur and Head Office, JSPC Board, Ranchi.

In light of the above, the Board vide its no. B-2371 dated 12.10.2023 has directed the Unit to dismantle the expanded part of the unit (2 x 600 TPD rotary kiln 3 x 10 TPD, 4x 15 TPD SMS and rolling mill and 37 MW power plant (WHRB) and intimate to the Regional Officer, Regional Office-cum-Laboratory, JSPC Board, Jamshedpur and Head office, JSPC Board, Ranchi.

D/JSR/33



Whereas, during field inspection dated 21.09.2024 carried by Regional Officer and official from Regional Office, JSPCB, Jamshedpur found that Unit is operating the violating part i.e. 2X600 TPD of DRI kiln, 3X10 T and 4 X15 T of Induction Furnace and 37 MW of WHRB plant and CCM of capacity 220000 TPA.

Now, therefore, in view of the above and in continuance violation of Environmental norms & Law of Land, the undersigned by exercising the powers vested under Section 25/26 of the Water (Prevention and Control of Pollution) Act, 1974 and under Section 21 (4) of the Air (Prevention and Control of Pollution) Act, 1981, the competent authority has given you an opportunity to attend the show-cause in person on 25.10.2024 at 11.00 AM in the office chamber of the Member Secretary to explain,

- (i) why not CTO issued vide ref. no. JSPCB/HO/RNC/CTO-18110094/2024/1484, dated 13.09.2024 shall be revoked and closure direction to be issued against your entire unit.
- (ii) why not environmental compensation may be levied and legal action may be initiated against you.

Rajiv
(R. L. Baksh)
Member Secretary

D/JSR/35





JHARKHAND STATE POLLUTION CONTROL BOARD

T.A. DIVISION BUILDING (GROUND FLOOR), H.E.C., DHURWA, RANCHI-834004
Phone: - 2400852, 2400851 Fax :- 0661-2400850, Website:-www.jspcb.org

Letter - E

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Ranchi, Dated: _____

Ref. Nilachal/ _____

From

Rajeev Lochan Bakshi
Member Secretary

To

M/s Nilachal Iron & Power Ltd.,
Mauza- Ratanpur, Kandra Chandil,
Dist- Saraikela Kharsawan.

Sub: Direction issued under section 33(A) of the Water (Prevention & Control of Pollution) Act, 1974 and under section 31(A) of the Air (Prevention & Control of Pollution) Act, 1981- Regarding.

- Ref: (1) Board's letter vide ref. no. B-2766, dated 19.12.2023.
(2) Board's letter vide ref. no. B-788, dated 21.03.2024.
(3) Board's letter vide ref. no. B-1252, dated 21.05.2024.
(4) Board's letter vide ref. no. B-2210 dated 17.10.2024.

Whereas, Environmental Clearance (EC), Ref No. J-11011/662/ 2008 IA II (I) dated 24.12.2009 for expansion of Sponge Iron Plant (350 TPD) into Integrated Steel Plant (0.7 MTPA) along with captive Power Plant (75 MW) at Ratanpur - Kandra village, Gamharla Block, Dist- Saraikela Kharsawan by M/s Nilachal iron & Power Ltd. with point-wise compliance report;

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Whereas, in receipt of the I.R. from the Regional Office-cum-Labrotary, Jamshedpur, show cause notice was issued to the Unit vide ref. no. B-1243 dated 30.06.2022 and it was directed to deposit the environmental compensation of Rs. 79,73,438/- within 7 days from the date of the issuance of the letter.

Whereas, in response to the above, the Unit has submitted its reply on 25.07.2022 requesting to wave off the amount imposed as environmental compensation of Rs. 79,73,438/- but the reply submitted by the unit was found not satisfactory by the Board.

Rev. EC (Nilachal) - Final(A4)- Closure/14



Whereas, in connection to the above, the board has issued closure direction to the Unit vide letter ref. no. B-1867 dated 10.09.2022 with a direction to close the entire unit with immediate effect.

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Whereas, in receipt of the verification report, the Board vide its letter no. B-2349 dated 16.11.2022 has directed the unit to deposit the revised environmental compensation of amount Rs. 23,62,500/- within 15 days. The Unit vide letter dated 17.11.2022 has submitted the amount of Rs. 23,62,500/- imposed as environmental compensation.

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1. Rotary kiln 2X600 TPD of capacity 2X600 TPD were found operational without has E.C. and C.T.E
2. ESP of one of the said rotary kiln was not functional due to which huge dust emission was found.
3. It was observed that the Unit is not at all serious regarding the Pollution Control Measures.

The Regional Officer, Regional Office, JSPCB, Regional Office-cum-laboratory, Jamshedpur vide ref. No. 584 dated 17.06.2023 has also directed the Unit to stop the operation of the newly



commissioned/ installed rotary kiln 2X600 TPD with immediate effect as huge dust emission was found from the violating section of the said unit.

Whereas, in light to of the above, Show Cause Notice was issued by the to the Unit vide ref. no. B-1835 dated 24.07.2023 to be heard on 26.07.2023 but neither the person himself nor his representative has appeared to explain their part. Consequently, 2nd Show Cause Notice was issued by the Board vide ref. no. B-2012 dated 17.08.2023 to be heard on 24.08.2023.

Whereas, the Unit has submitted its dated 24.08.2023 along with enclosures and with a declaration stating "that the above plants which have been implemented under violation are not operational presently and these plants will remain closed till the grant of Environmental Clearance, CTE and CTO"

Whereas, the Regional Officer, Regional Office, JSPCB, Regional Office-cum-laboratory, Jamshedpur was directed again has submitted the inspection-cum-verification report vide memo no. 944, dated 11.09.2023 mentioning that during inspection, expanded part of the unit (2X600 TPD rotary kiln, 3X10 TPD, 4X15 TPD SMS and rolling mill and 37 MW Power Plant (WHRB)) was found non-operational.

Whereas, it was, also directed to dismantle the expanded part of the Unit (2X600 TPD rotary kiln, 3X10 TPD, 4X15 TPD SMS and rolling mill and 37 MW Power Plant (WHRB)) and intimate to the Regional Officer, JSPCB, Regional Office-cum-Laboratory, Jamshedpur and Head Office, JSPC Board, Ranchi.

In light of the above, the Board vide its no. B-2371 dated 12.10.2023 has directed the Unit to dismantle the expanded part of the unit (2 x 600 TPD rotary kiln 3 x 10 TPD, 4x 15 TPD SMS and rolling mill and 37 MW power plant (WHRB) and intimate to the Regional Officer, Regional Office-cum-Laboratory, JSPC Board, Jamshedpur and Head office, JSPC Board, Ranchi.

Whereas, letter dated 30.11.2023 submitted by the unit that the expanded part of the unit (2X600 TPD rotary kiln, 3X10 TPD, 4X15 TPD, SMS and rolling mill and 37 MW Power Plant (WHRB)) is not in operation. Unit also informed that Environmental Clearance for the expanded unit with proposal no. IA/JH/INDI/439143/2023 was recommended in the agenda No. 4 dated 08th - 09th November' 2023.

Whereas, the unit has submitted minutes of agenda for 48th meeting of the Expert Appraisal Committee -(Industry-I sector), scheduled to be held on 08th - 09th November' 2023 meeting Industrial Projects- I held from 08/11/2023 to 09/11/2023 of Ministry of Environment, Forest and Climate Change, Government of India dated 15.11.2023. Also submitted agenda Item no.- 04, which shows that (1) The project of M/s Nilachal Iron & Power Limited located at Ratanpur- Kandra village, Gamharia block, Dist- Saraikela-Kharsawan in the state of Jharkhand is for expansion of existing sponge iron plant through installation of 2X600 TPD DRI kilns along with installation of Steel Melting Shop (3X10 T & 4X15 T Induction furnace with matching LRF & CCM and Metal Recovery plant)<Rolling Mill - 2,30,000, TPA and 49 MW (37 MW WHRB based + 12 MW AFBC based) capacity Captive Power Plant- under violation.



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Whereas, earlier you have requested vide letter dated 30.11.2023 to give 90 days' time from 30.11.2023 to submit the status against the Board's letter ref. no. B-23715, dated 12.10.2023.

Whereas, vide Board's letter no. B-2766, dated 19.12.2023, the competent authority by exercising the powers vested under Section 33 (A) of the Water (Prevention and Control of Pollution) Act, 1974 and under Section 31 (A) of the Air (Prevention and Control of Pollution) Act, 1981 has issued following directions: -

- (i) To dismantle the expanded part of the unit within 60 days; (w.e.f. 30.11.2023);
- (ii) To submit the compliance of point 'A' to the Regional Officer, JSPC Board, Regional Office-cum-Laboratory, Jamshedpur and Head Office, JSPCB Board, Ranchi.

Whereas, in the meanwhile, a matter was taken up before the Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata in O.A. No. 156/2023/EZ (Earlier O.A. No. 426/2021/PB) in the matter of "Dasai Munda & Others Vs. State of Jharkhand". Wherein, the Hon'ble Tribunal was pleased to pass an order dated 26.04.2024, the operative part of which is reproduced as below:

"29, The Original Application No.156/2023/EZ is accordingly disposed of with a direction that the Respondent No.6 shall not operate the expanded part of its Unit without valid Environmental Clearance."

Whereas, meanwhile, Consent to Operate (CTO), was granted to the unit vide ref. no. JSPCB/HO/RNC/CTO-18110094/2024/1484, dated 13.09.2024 for the production of Sponge Iron - 2 X 100 TPD and 1 X 350 TPD; WHRB Power Plant- 12 MW valid up to 30.06.2026 in Mauza - Ratanpur, P.S -Ratanpur, District - Saraikela-Kharsawan valid up to 30.06.2026.

Whereas, during field inspection dated 21.09.2024 carried by Regional Officer and official from Regional Office, JSPCB, Jamshedpur found that Unit is operating the violating part i.e. 2X600 TPD of DRI kiln, 3X10 T and 4 X15 T of Induction Furnace and 37 MW of WHRB plant and CCM of capacity 220000 TPA.

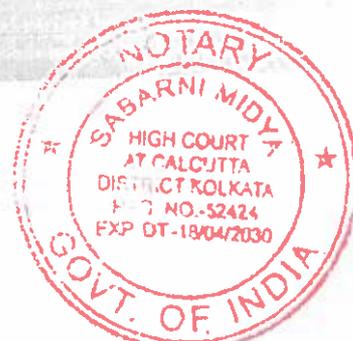
Whereas, the Board issued show cause letter vide Ref. No. B-2210 dated 17.10.2024 to explain the following:

- (i) why not CTO issued vide ref. no. JSPCB/HO/RNC/CTO-18110094/2024/1484, dated 13.09.2024 shall be revoked and closure direction to be issued against your entire unit.
- (ii) why not environmental compensation may be levied and legal action may be initiated against you.

Whereas, the Unit's reply dated 24.10.2024 depicts that the Unit has made violation and have not obtained proper consent/permissions from the relevant Authorities, before carrying out expansion activity.

Whereas, the competent Authority has ordered to calculate the Environmental Compensation against your unit as per the Report of the CPCB In-house Committee on Methodology for Assessing Environmental Compensation and Action Plan to Utilize the Fund. The calculation of Environmental Compensation is as follows:

Rev- EC (Nilachal) - Final(A4) - Closure/17



**CALCULATION OF ENVIRONMENTAL COMPENSATION OF
M/S NILACHAL IRON & POWER LIMITED,
MOUZA + PS - RATANPUR, DIST - SARAIKELA KHARSAWAN.**

Nature of violation - Intentional avoidance of data submission or data manipulation by tampering the Online Continuous Emission / Effluent Monitoring systems.

Basis to levy the Environmental Compensation - Pollution Index

The environmental compensation is based on the following formula:

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

Where,

- EC- Environmental compensation
- PI- Pollution Index of Industrial Sector
- N - Number of days of violation took place
- R - A factor in rupees for EC
- S- Factor of scale of operation
- LF - Location Factor

Now in this case,

PI is to be taken as 90 as the industry belongs to Red category (Iron & Steel(involving processing from ore/ integrated steel plants) and or Sponge Iron units) (as per CPCB's guidelines).

N is to be taken as 84 days (As reported by the RO, Jamshedpur vide Ref. No. 706 dated 22-10-2022)

R is to be taken as 250 (as per CPCB's guidelines).

S is to be taken 1.5 as the unit belongs to Large Scale as per Notification No. - S.O. 1702(E) - dated 01/06/2020 of Ministry of Micro, Small and Medium Enterprises (S could be 0.5 for micro or small, 1.0 for medium and 1.5 for large units as per CPCB Guidelines).

LF is to be taken as 1.25 as the population of Saraikela Kharsawan is > 1 million. (District Census Handbook, Saraikela Kharsawan of 2011).

RF is the repetition factor, it will be 2 for 2nd repetitive non-compliance, 4 for 3rd repetitive non-compliance and 8 for 4th repetitive non-compliance and so on.

Therefore,

$$\begin{aligned}
 EC \text{ (Per day)} &= PI \times R \times S \times LF \times RF \\
 &= 90 \times 250 \times 1.5 \times 1.25 \times 2 \\
 &= ₹ 84,375/-
 \end{aligned}$$

Henceforth, the Environmental Compensation for one day comes out to be ₹ 84,375/-. So the total Environmental Compensation for 84 days comes out to be ₹ 70,87,500/- (i.e. Seventy Lakhs Eighty Seven Thousand Five Hundred Only).

Whereas, you have repeatedly not obeyed the direction of Jharkhand State Pollution Control (JSPCB) on many occasions as illustrated above and continue to operate your expanded plant despite directions of Hon'ble NGT and JSPCB without valid EC/CTE/CTO. Further the CTO Ref. JSPCB/HO/RNC/CTO-18110094/2024/1484, dated 13.09.2024 is being used to disguise the illegal operation of the expanded plant.



Now, therefore, in view of the above and by exercising the powers conferred under section 27(2) of the Water (Prevention & Control of Pollution) Act, 1974 and under section 21(4) of the Air (Prevention & Control of Pollution) Act, 1981 the undersigned hereby revokes the CTO issued to the Unit vide Ref. No. JSPCB/HO/RNC/CTO-18110094/2024/1484, dated 13.09.2024, which was valid till 30.06.2026. Moreover, the undersigned by exercising the powers conferred under section 33(A) of the Water (Prevention & Control of Pollution) Act, 1974 and under section 31(A) of the Air (Prevention & Control of Pollution) Act, 1981, issues the following directions:

- (i) To close down the complete Unit (including the expanded / violation part) with immediate effect till further order; AND
- (ii) To submit the Environmental Compensation amounting to Rs. 70,87,500.00 (i.e. Seventy Lakhs Eighty Seven Thousand Five Hundred Only) within 15 days of issuance of this letter.

In case of failure to comply by the above directions further legal action may be initiated against the Unit.

Sd/-
(Rajeev Lochan Bakshi)
Member Secretary

Memo No..... Ranchi, dated
Copy to: The Secretary, Jharkhand State Electricity Board, Ranchi, it is requested to disconnect electricity of the above said unit and intimate to this office / the General Manager, Jharkhand Vidyut Nigam Limited, Saraikela Kharsawan/ the Chief Inspector of Factories, Ranchi for information and necessary action.

Sd/-
(Rajeev Lochan Bakshi)
Member Secretary

Memo No..... Ranchi, dated
Copy to: The Deputy Commissioner, Saraikela-Kharsawan / the DFO, Saraikela-Kharsawan / the D.M O., Saraikela Kharsawan / the GM, DIC, Saraikela-Kharsawan for information and it is directed to ensure the compliance of the direction issued by the Board.

Sd/-
(Rajeev Lochan Bakshi)
Member Secretary

Memo No..... Ranchi, dated
Copy to: The Regional Officer, Regional Office-cum-Laboratory, JSPC Board, Jamshedpur for information & it is directed to get the letter delivered to the unit and ensure the compliance of the directions issued by the Board.

Rajeev
10/10/2025
(Rajeev Lochan Bakshi)
Member Secretary





Letter - F Lally - 85 -

Complaint regarding Nelachal Iron and Power(currently OCL) Raghunathpur Kandra, seraikela kharswan, etter petition

message

nayan patra <nayanpatra619@gmail.com>

Fri, 17 Oct, 2025 at 9:50 am

to: ezbngrt@gov.in, registrarngt-kolkata@gov.in, ngtjudicial-kolkata@gov.in

Respected Sir,

I, Nayan Kumar Patra, son of Nandan Kunj Patra, residing at Post Jhabri, Padadih, Seraikela-Kharsawan, Jharkhand - 832404, am writing to bring to your urgent attention the continued illegal and polluting operations of M/s Nilachal Iron & Power Limited / OCL Iron & Steel Limited located in Gamharia, which have been causing severe environmental degradation and health hazards to the local community.

I am writing to bring a matter of urgent environmental and public health concern to the notice of the Hon'ble Tribunal for its kind consideration and necessary directions.

The matter pertains to the continuous illegal operations and grave environmental violations by M/s Nilachal Iron & Power Limited/OCL Iron & Steel Limited at its industrial unit in Raghunathpur, Kandra, Seraikela-Kharsawan, Jharkhand.

Despite clear closure orders from the Jharkhand State Pollution Control Board (JSPCB) dated 10.09.2022 and 21.03.2023, and a specific order from this Hon'ble Tribunal in O.A. No. 156/2023/EZ dated 26.04.2024 prohibiting the operation of the expanded unit without environmental clearance, the unit continues to operate with impunity, flouting all statutory and judicial directives. Copies of the orders as per the list of dates are annexed hereto and marked with Letter A to G respectively.

The undersigned is seeking urgent intervention against the continuous illegal operations of M/s Nilachal Iron & Power Limited/OCL Iron & Steel Limited at its industrial unit located in Raghunathpur, Kandra, Seraikela-Kharsawan District, Jharkhand.

Despite repeated closure orders issued by the Jharkhand State Pollution Control Board (JSPCB), the unit has been operating unauthorized components including 2X600 TPD rotary kiln, SMS, CCM, Rolling Mill and WHRB Power Plant without valid consents, causing severe air and water pollution that has led to significant health hazards for the local population. Shockingly, the JSPCB has reduced the environmental compensation amount without justification and continues to provide Consent to Operate (CTO ref. no. JSPCB/HO/RNC/CTO-18110094/2024/1484 dated 13.09.2024) to the unit.

Jharkhand Bijli Vitran Nigam Limited has failed to disconnect electricity supply despite clear directives.

The undersigned, being a resident of the affected area, has made representation to the authorities which have gone unheeded, leaving no option but to approach this Hon'ble Tribunal for appropriate directions to immediately seal the unit, revoke its consents, disconnect utilities, impose heavy penalties, and constitute an independent monitoring committee to oversee compliance with environmental norms and assess the damage caused. Copy of the said application is annexed hereto as Annexure H.

The matter requires urgent consideration as every day of continued illegal operation is causing irreversible damage to the environment and public health in violation of rights and established principles of environmental jurisprudence including the Precautionary Principle and Polluter Pays Principle.

The undersigned seeks exemplary action against the unit management for their willful disregard of statutory and judicial orders.

Shockingly, the JSPCB has renewed the unit's Consent to Operate on 13.09.2024 and the electricity department has failed to disconnect power supply, facilitating this illegality. The list of dates is appended hereto showing the non compliance by the unit and the inaction on the part of the state and PCB authorities.

Lastly as I have learnt that on 31.1.2025, DC had again issued a letter for implementation of the closure order, but to no avail.

The unauthorized operations are causing severe air and water pollution, devastating the local environment and endangering the health of residents, including myself.

I seek forth your kind intervene and for treating this letter petition as an OA for the immediate sealing of the unit, revocation of its consent, disconnection of utilities, and imposition of heavy environmental compensation.

I humbly request your office to place this matter before the Hon'ble Bench for urgent hearing to prevent further irreversible damage.

Thanking you in anticipation of your prompt action.

Yours Truly,

Nayan Kumar Patra, son of Nandan Kunj Patra, residing at Post Jhabri, Padadih, Seraikela-Kharsawan, Jharkhand - 832404

Mobile: 8271317103

Email: nayanpatra619@gmail.com

Aadhar No.: 441587485008

Encl: As Above;

Nayan Kumar Patra
Nayan



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Re: Sub: REMINDER 1 ----Demand of justice for taking steps for immediate closure and compliance of the orders passed by your offices and environmental compliance against M/s Nilachal Iron & Power Limited / OCL Iron & Steel Limited, RAGHUNATHPUR, KANDRA, Seraikela-Kharsawan...

1 message

nayan patra <nayanpatra619@gmail.com>
To: secretary@jspcb.nic.in, cmd@jbnl.co.in, cs-jharkhand@nic.in <cs-jharkhand@nic.in>, dc-seraikela@nic.in, dmo-seraikrla@jharkhand.gov.in

Tue, 28 Oct, 2025 at 10:57 am

Respected sir/Madam

Please go through the below trail mail.

Thanking you
Nayan Kumar Patra,
son of Nandan Kunj Patra,
residing at Post Jhabri, Padadih, Seraikela-Kharsawan, Jharkhand - 832404
Mobile: 8271317103
Email: nayanpatra619@gmail.com
Aadhar No.: 441587485008

On Fri, 17 Oct, 2025, 9:28 am nayan patra, <nayanpatra619@gmail.com> wrote:
Re: Ref. No. B-1867 dated 10.09.2022 and B-586 dated 21.03.2023; O.A. No. 156/2023/EZ dated 26.04.2024; CTO Ref. No. JSPCB/HO/RNC/CTO-18110094/2024

Respected Sir/Madam,

I, Nayan Kumar Patra, son of Nandan Kunj Patra, residing at Post Jhabri, Padadih, Seraikela-Kharsawan, Jharkhand - 832404, am writing to bring to your urgent attention the continued illegal and polluting operations of M/s Nilachal Iron & Power Limited / OCL Iron & Steel Limited located in Gamharia, which have been causing severe environmental degradation and health hazards to the local community. I am a local resident living near the vicinity of the factory of M/s Nilachal Iron & Power Limited / OCL Iron & Steel Limited located in Gamharia, as it's unit is creating excessive pollution. I have on several occasion on my media posts and with other local residents have been raising the issue your good selves, but to no avail. Newspapers had also published the same. Paper cuttings are annexed hereto and marked with Letter A. I have learnt that the authorities have issued several/multiple closure orders issued by the Jharkhand State Pollution Control Board (JSPCB), including Ref. No. B-1867 dated 10.09.2022 and B-586 dated 21.03.2023 under the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981, and despite clear directions from the Hon'ble National Green Tribunal in O.A. No. 156/2023/EZ dated 26.04.2024, the unit continues to operate unlawfully and create pollution. It is shocking to note that the JSPCB has not only failed to enforce its own orders but has also renewed the Consent to Operate (CTO Ref. No. JSPCB/HO/RNC/CTO-18110094/2024/1484 dated 13.09.2024) without any justification, thereby encouraging further violations. Copies of the said orders and order passed by NGT are annexed hereto and marked with Letter A colly. That on 30.1.2025, the Deputy Commissioner, Saraikele-Khaeswan had issued a letter for immediate closure within 24 hours from the date of receipt of the said letter, however, inspite of the same, no action has been taken by the concerned authorities to implement its own orders and close the unit and recover the environmental compensation and also to further penalize the unit for violation of thee Air and Water Act. Copy of the said letter is annexed hereto and marked with Letter B. The unit is operating unauthorized components such as 2X600 TPD rotary kiln, SMS, CCM, Rolling Mill, and WHRB Power Plant without valid environmental clearances, leading to uncontrolled air and water pollution. The health of residents, including myself, is severely affected due to toxic emissions and contaminated water sources. The Jharkhand Bijli Vitran Nigam Limited has also failed to disconnect electricity supply despite clear directives, thereby aiding the unit's illegal operations. In spite of closure orders and orders for disconnecting the electricity, no concrete action has been taken till date. The inaction of the authorities reflects a serious lapse in governance and a blatant disregard for the rule of law and environmental justice. Therefore, I urgently request your good offices to immediate sealing and implement the closure orders of the unit in compliance with existing closure orders and NGT directions, revoke the Consent to Operate (CTO) granted to the unit, disconnect all utilities, including electricity and water supply and impose heavy environmental compensation on the unit for the damage caused. Further, a fresh inspection may also be made by an independent committee to monitor compliance and assess ecological damage. I beseech your good offices to take immediate and stern action in the interest of public health and environmental protection. Please note failure to act will compel me to pursue further legal remedies. This is without prejudice to my other rights and contentions in law. Thanking you in anticipation. Yours sincerely,

Nayan Kumar Patra,
son of Nandan Kunj Patra,



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

O.A. No. of 2025/E2

Nayan Kumar Patra

IN THE MATTER OF:

Shri Nayan Kumar Patra

VERSUS

Jharkhand State Pollution Control Board & ors

KNOW ALL MEN by these presents that I/We
Applicant Shri Nayan K. Patra herein do hereby in my/our name and my/our
behalf constitute and appoint Bipasha Jaiswal, Advocate, High Court at Calcutta
as our true lawful me/us in the matter noted above to file suit, written statement,
conduct suit, appeal from original suit, order etc., And for that purpose to do all
acts and things, whatsoever in that connection including compromise of the above
matter depositing in or withdrawing money from, filing or taking out of appear,
document and payment order from Court referring matters in dispute between the
parties here to arbitration, withdrawing the above matters with liberty to file fresh
suit, sending properties released from attachment, filing execution or
miscellaneous cases and other petitions, bidding at execution sale, obtaining
payment from us out of Court withdrawing custody and other fees and doing on
my behalf other acts, in the above matter as are necessary and proper. I hereby
agree to ratify and confirm all acts so done by the said advocate or attorneys as
my own acts and as if done by me to all intents and purposes.

Bipasha Jaiswal
ADVOCATE, HIGH COURT AT CALCUTTA

Sayanwita Auddy
272 N.D.B. Road Kolkata 39 /
E: ghanshyamlegal@gmail.com
M: 9686750386

Record accepted by me
Ghanshyam Auddy
Bipasha Jaiswal

Advocate F/3374/2022

Sueba Singh

Date: 8.11.2025



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ଭାରତ ସରକାର

Government of India



ନୟନ କୁମାର ପତ୍ରା

Nayan Kumar Patra

ଅନ୍ତର୍ଜାତୀୟ/DOB: 23/07/1992

ମୁକ୍ତ/ MALE

4415 8748 5008

VID : 9114 3538 0996 4206

Nayan Kumar Patra
Nayan



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ভারতীয় বিসিষ্ট পরিচয় প্রমাণ

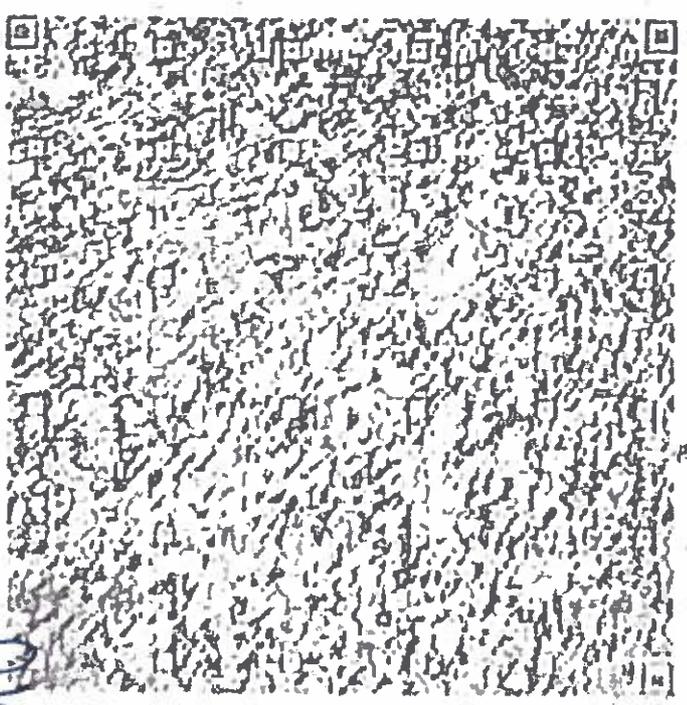
Unique Identification Authority of India

নাম:

S/O নন্দন কুন্জ পাত্রা, পদদিঃ, পোস্ট-
শরিকলা-খারসাবান,
কলকাতা - 832404

Address:

S/O Nandan Kunj Patra, padodih, post-
Jhabri, Padadh, Seraikela-Kharsawan,
Jharkhand - 832404



4415 8748 5008

UID : 9114 3538 0996 4206

Nandan Kumar Patra
Nayan

