

BEFORE THE NATIONAL GREEN TRIBUNAL, KOLKATA

O. A. No.204 of 2024 (EZ)  
(Earlier O.A. No. 954/2024/PB)

BINU KUMAR MEHTO

.....Applicant(s)

Versus

State of Jharkhand & Ors

... Respondent(s)

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| 3.    | Annexure-B: True copy of Board's Memo No. 33 dated 06/01/2026.                                  | 09-12    |

Filed by: -

(Surendra Kumar)  
Advocate  
JSPCB, Ranchi



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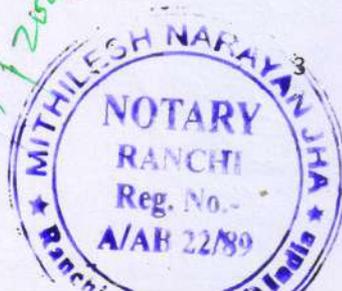
Counter Affidavit on behalf of Jharkhand State  
 Pollution Control Board in compliance of the  
 order dated 26/11/2025 of Hon'ble NGT(EZ)  
 bench.

I, Kumar Manibhushan, son of Lavlesh kumar Shahi  
 presently posted as Environmental Engineer, Jharkhand  
 State Pollution Control Board, Ranchi and am duly  
 authorized to swear this affidavit and do here by  
 solemnly state and affirm as follows: -



Admitted under Section 44 of the Notaries Act 1956  
 & Notarising Rules 1956 by Govt. of  
 Jharkhand, Ranchi (Jharkhand)  
 Ref.No. 80 Date 6/17/2025

1. That, at present, I am working and posted as Environmental Engineer, Jharkhand State Pollution Control Board, Ranchi and as such, I am well acquainted with all the facts and circumstances of this case.
2. That, I have gone through the order dated 26/11/2025 passed by the Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata and has understood the contents therein.
3. That, I have been authorized to swear this affidavit on behalf of the Jharkhand State Pollution Control Board by the Competent Authority. Further, it is stated that I have gone through the relevant files and records in the present case.
4. That, it is humbly stated and submitted that the Eastern Zone Bench of the Hon'ble National Green Tribunal Kolkata vide order dated 26/11/2025 was pleased to direct the Jharkhand State Pollution Control Board (Respondent No.3) to explain why the unit has remained closed from June 2025 till date,



especially when, the unit is in compliance except for the payment of environmental compensation, which is yet to be quantified and to state whether the environmental compensation payable by the Project Proponent for the alleged violation has been quantified.

5. That, it is humbly stated & submitted that in compliance of the directions issued by the Hon'ble NGT, Revocation of Closure order has been issued to M/s Kameshwar Alloys & Steel Pvt. Ltd. by the Jharkhand State Pollution Control Board, Ranchi, vide letter/Memo No. 3349 dated 22/12/2025.

Photocopy of Board's Memo No. 3349 dated 22/12/2025 is annexed and marked as

**Annexure-A.**

6. That, it is further stated and submitted that the Environmental Compensation (EC) against the erring unit M/s Kameshwar Alloys & Steel Pvt. Ltd., has been computed amounting to INR 15,57,500/- (Rupees Fifteen lakhs Fifty seven thousand five hundred



only) for the reported violation by the committee constituted earlier and direction has been issued to the concerned unit for payment of Environmental Compensation (EC) vide JSPCB letter/Memo no. 33 dated 06/01/2026.

Photocopy of Board's Memo No. 33 dated 06/01/2026 is annexed and marked as **Annexure-B.**

- 7. That, this Affidavit is filed bonafide and in the interest of justice.
- 8. That, the statements made in forgoing paragraphs are true to my knowledge and in annexure are true copy of its original.

*Sumar Manikhusan*

DEPONENT

**VERIFICATION:**

Verified at Ranchi on this the day of 06 January, 2026 that the averments & facts stated herein above are true and correct to my knowledge and belief and nothing material has been concealed therefrom.



*Sumar Manikhusan*

DEPONENT

Notarized under Section 17(1) of the Indian Evidence Act, 1908 by Court of Notary Public (JSPCB) at Ranchi, Jharkhand (India)

80 Ref. No. .... Date 6/1/2026



## झारखण्ड राज्य प्रदूषण नियंत्रण पर्वद JHARKHAND STATE POLLUTION CONTROL BOARD

T.A. DIVISION BUILDING (GROUND FLOOR), H.E.C., DHURWA, RANCHI -834004

Phone.: 0651-2400851/2400852/2400979/2401847, Fax-0651-2400850/138,

Web site : www.jspcb.nic.in; e-mail : ranchijspcb@gmail.com

Ref. No. OA no.204/NGT/09/24/.....

Ranchi, Dated.....

From,

**Rajeev Lochan Bakshi,**  
Member Secretary.

To,

**M/s Kameshwar Alloys & Steels Pvt. Ltd.,**  
Occupier name- Ankit Kumar Sharda,  
Mauza-Ghansi Kenke, P.S.- Gola,  
District-Ramgarh.

**Sub: Revocation of closure order issued under section 33 (A) of the Water (Prevention and control of Pollution) Act, 1974 and 31 (A) of the Air (Prevention and control of Pollution) Act, 1981 - Regarding.**

**Ref: Closure order issued vide Board's memo no. 1425 dated 23/05/2025.**

Whereas, CTO was granted to your unit by the Board Vide office Ref No. JSPCB/HO/RNC/CTO-14190697/2022/1563 Dated: 09.11.2022, for the production of Silico Manganese - 25 TPD and is valid upto 31/12/2027.

Whereas, the Hon'ble National Green Tribunal (NGT), New Delhi, passed an order dated 12.09.2024 in the matter of O.A. No. 954/2024 in Binu Kumar Mehto vs. State of Jharkhand, directing the District Magistrate, Ramgarh, and the Jharkhand State Pollution Control Board (JSPCB) to take necessary action and the matter was thereafter tranfered to the Hon'ble NGT, Eastern Bench O.A No-204/2024/EZ for further hearing.

Whereas, in compliance with the Hon'ble NGT's order, Shri Jitendra Kumar Singh, Regional Officer, JSPCB, Regional Office-cum-Laboratory, Hazaribagh, was nominated as the representative of JSPCB, and the Deputy Commissioner-cum-District Magistrate, Ramgarh, appointed the Factory Inspector, Hazaribagh Circle-1, Hazaribagh, as a member of the inspection committee.

Whereas, the committee conducted inspections of industries on 12.11.2024 and 27.11.2024 in compliance with the Hon'ble NGT's order dated 12.09.2024.

Whereas, the committee has submitted their inspection report vide RO Hazaribagh memo. no. 2076 dated 11.12.2024, where in following non-compliance were observed.

1. Online continuous stack emission monitoring system was not found functional.
2. Sinter plant has been install without obtaining prior Environment Clearance and without obtainig an expansion of the consent to establish (CTE) from JSPCB.
3. Fume extraction system with a bag filter has been install as an Air Pollution control device, however it was observed that the system was unable to extract all fumes properly.



Whereas, show cause has been issued to the unit vide Board's ref. no. 254 dated-05.02.2025. The reply to the same has been received from the unit dated-17.02.2025.

Whereas, the Regional Officer, Hazaribagh, JSPCB was ask to inspect and submit verification report with a request to the verify the reply to the show cause received from the unit vide H.Q Letter Ref. No. 968 Ranchi, Dated-03.04.2025.

Whereas, the point wise verification report has been received from Regional Officer, Regional Office, JSPCB, Hazaribagh vide memo no. 797 dated-02.05.2025 wherein the following is mentioned.

- **Unit was found in operation during the visit.**
- **Unit has installed Online continuous stack emission monitoring system in new stack.**
- **Sinter plant has been installed but not found in operation.**
- **New fume extraction system of 100000 CMH is being installed as informed by unit representative air pollution control device installation work will be completed at the end of May month.**
- **The plant was running without APCD.**

Whereas, The Regional Officer, Hazaribagh, JSPCB had recommended that *Closure direction may be issued to the unit form HQ level untl the installation of Air Pollution control device.*

Whereas, Closure Order issued by Board vide memo no. 1425 dated 23/05/2025 under section 33 (A) of the Water (Prevention and control of Pollution) Act, 1974 and 31 (A) of the Air (Prevention and control of Pollution) Act, 1981.

Whereas, the unit submitted its representation cum status of compliance vide their letter dated 27/05/2025. The unit informed that all air pollution devices such as fume extraction system, Bag filter and heat exchanger are updated as per norms, completely repaired and properly functioning. It was also informed that online continuous stack emission monitoring system is nor properly functioning and transmission of data to JSPCB and CPCB are updated. The unit requested to allow their operation.

Whereas, an inspection of the unit was conducted on 22/07/2025 by team of Regional Office, Hazaribagh to verify the compliance status of the unit. The Regional Officer, Hazaribagh submitted verification-cum-inspection report vide memo no. 1468 dated 23/07/2025.

The Regional officer, Hazaribagh has made following observations:

1. Unit was found closed during the visit.
2. Unit has installed Heat Exchanger, bag filter, ID fan and stack. Unit has installed silos for collecting bag filter Dust.
3. Unit has installed Online continuous stack emission monitoring system in new stack.
4. Sinter plant was found closed during the inspection.
5. Unit has obtained CTO vide Ref. no. JSPCB/HO/RNC/CTO-14190697/2022/1563 Dated 09.11.2022 from Board, which is valid up to 31.12.2027.
6. The condition of plan is currently in condition of operation. Hence, the consent to operate



- 09 -

Whereas, the Regional Officer, Hazaribagh has recommended that the condition of plant is currently in condition of operation. Hence, the consent to operate may be reinstate.

Now, therefore, in view of the above facts and recommendations the Competent Authority in exercise of the powers vested under section 33 (A) of the Water (Prevention and control of Pollution) Act, 1974 and 31 (A) of the Air (Prevention and control of Pollution) Act, 1981 hereby revokes the closure order issued to the unit vide Board's Ref No. 1425, dated 23/05/2025 and reinstate previous Consent order.

**(Rajeev Lochan Bakshi)**

Member Secretary

Ranchi, dated ...22/12/2025

Memo No. ....3.3.4.9  
 Copy To :- The Chairman, Jharkhand Bijli Vitran Nigam Ltd., Dhurwa, Ranchi/ Deputy  
 Commissioner, Ramgarh/ D.F.O., Ramgarh /Regional Officer, Regional Office, JSPCB,  
 Hazaribagh for information & necessary action.

*Raj*  
**(Rajeev Lochan Bakshi)**  
 Member Secretary



-X-

ANNEXURE - 'B'



## झारखण्ड राज्य प्रदूषण नियंत्रण पर्वद JHARKHAND STATE POLLUTION CONTROL BOARD

T.A. DIVISION BUILDING (GROUND FLOOR), H.E.C., DHURWA, RANCHI -834004

Phone.: 0651-2400851/2400852/2400979/2401847, Fax-0651-2400850/138,

Web site : www.jspcb.nic.in; e-mail : ranchijspcb@gmail.com

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Ranchi, Dated.....

From,

**Rajeev Lochan Bakshi,**  
Member Secretary.

To,

**M/s Kameshwar Alloys & Steels Pvt. Ltd.,**  
Occupier name- Ankit Kumar Sharda,  
Mauza-Ghansi Kenke, P.S.- Gola,  
District-Ramgarh.

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

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6. The condition of plan is currently in condition of operation. Hence, the consent to operate may be reinstate.



~~X~~

Whereas, the Regional Officer, Hazaribagh has recommended that the condition of plant is currently in condition of operation. Hence, the consent to operate may be reinstate.

Whereas, Closure order issued to the unit vide Board's Ref No. 1425, dated 23/05/2025 was revoked by the Board vide Ref no. 3349 dated 22.12.2025.

Whereas, the Environmental Compensation for the period of violation observed has been calculated as per the "Report of the CPCB-in-house commutes on methodology for asserting Environmental Compensation and action plan to utilize the fund which is as below: -

**Nature of violation** – Non compliance of CTO conditions & operation of industry without CTO.

**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 70 as the industry belongs to orange category as per CPCB industrial classification, 2025.

N is to be taken as 178 days [from date of first *Inspection carried out by the committee on 27.11.2024 and Closure order issued by the Board vide ref no. 1425 dated 23.05.2025.*

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

S is to be taken 0.5 as the unit belongs to Small 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 1.00 as the population of Ramgarh is < 1 million. (District Census Handbook, Ramgarh of 2011) or #LF will be 1.0 in case unit is located >10km from municipal boundary.

Therefore,

$$\begin{aligned} EC \text{ (Per day)} &= PI \times R \times S \times LF \\ &= 70 \times 250 \times 0.5 \times 1 \\ &= ₹ 8,750/- \end{aligned}$$

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Hence, the Environmental Compensation for one day comes out to be ₹ 8,750/- So the total Environmental Compensation for 178 days comes out to be ₹ 15,57,500/- (i.e. Rupees Fifteen lakhs Fifty Seven thousand Five Hundred Only).

Now, therefore, in view of the above and 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 it is hereby directed to deposit above said environmental Compensation of ₹ 15,57,500/- (i.e. Rupees Fifteen lakhs Fifty Seven thousand Five Hundred Only) within 15 days of issuance of this letter. In case of failure to comply, the above directions given by the Board, legal action may be initiated against the Unit.

Sd/-

(Rajeev Lochan Bakshi)

Member Secretary

Ranchi, dated ...06/01/2026

Memo No. ....33.....

Copy To :- The Chairman, Jharkhand Bijli Vitran Nigam Ltd., Dhurwa, Ranchi/ Deputy Commissioner, Ramgarh/ D.F.O., Ramgarh /Regional Officer, Regional Office, JSPCB, Hazaribagh for information & necessary action.

*Rep: /*  
(Rajeev Lochan Bakshi)  
Member Secretary

