

MAR 2025

11 MAR 2025

NOTARISED

BEFORE THE NATIONAL GREEN TRIBUNAL, EASTERN ZONE

BENCH, KOLKATA

ORIGINAL APPLICATION NO. 15/2025/EZ

IN THE MATTER OF:

Harihar Samal & Anr.

...Applicant(s)

Versus

State of Odisha & Ors.

...Respondent(s)

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Vakalatnama (9)

Respondent No.11 & 12

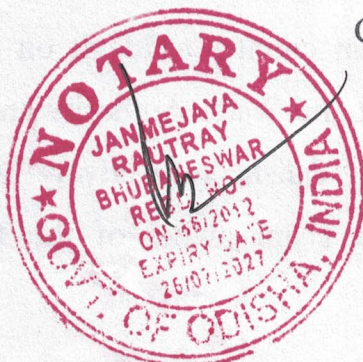
Through

Gigi C. George Advocate
Standing Counsel (UIO)

Ch. No. 457, Lawyers Block, DHC, New Delhi

Gigicgeorge.adv42@yahoo.in,

M-9810625315



**BEFORE THE NATIONAL GREEN TRIBUNAL, EASTERN ZONE
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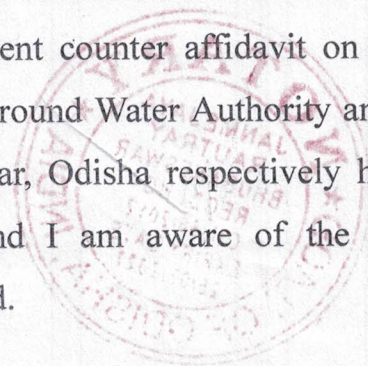
...Respondent(s)

**COUNTER AFFIDAVIT ON BEHALF OF CENTRAL GROUND WATER
AUTHORITY (RESPONDENT NO. 11) AND CENTRAL GROUND WATER
BOARD, SER, BHUBANESHWAR (RESPONDENT NO. 12)**

Most Respectfully Showeth:

I, Bikram Kumar Sahoo S/o. M. N. Sahoo Aged 52 Years, Working as Head of Office in Central Ground Water Board having office at Bhubaneswar, Odisha, the deponent herein do hereby solemnly affirm and state on oath as under: -

1. That I am competent to swear the present counter affidavit on behalf of Respondent No. 11 and 12 i.e. Central Ground Water Authority and Central Ground Water Board, SER, Bhubaneswar, Odisha respectively hereinafter referred as Answering Respondents and I am aware of the facts and circumstances of the case based on record.



Bikram Kumar Sahoo

2. That, I have perused the contents of the above captioned O.A. and I am duly authorized to depose by way of the present affidavit.
3. That the Answering Respondents is not replying to the present application in para-wise manner and craves leave to file a detailed affidavit as and when necessary and required by this Hon'ble Tribunal.
4. That the Instant Original Application no. 15/2025/EZ filed by the two Applicants, inter-alia, seeking a direction to the Odisha State Pollution Control Board to revoke the Consent to Operate (CTO) until the Unit of Respondent No.13 is fully compliant of the CTO conditions as well as environment pollution control measures. A further direction has been sought to evict the Respondent No.13 from the forest land in question and to remove the solid waste dumped outside its Unit premises and stabilize the active dump site; to assess the quantity of illegal extraction of water from Kisindha Nallah and audit water requirement of the Unit and its sources of extraction.
5. That the applicant alleges through the present OA that the M/s Rimjhim Ispat Ltd. has been accused of multiple environmental and regulatory violations, as per the allegations raised by the applicants in their original application. The company is alleged to have failed to comply with the conditions prescribed in the Consent to Operate (CTO) issued by the Odisha State Pollution Control Board. Furthermore, the respondent no. 13 has been continuously discharging untreated water into the Kisindha Nallah in contravention of pollution control guidelines, while also illegally extracting water from the same source without obtaining the requisite permissions from the concerned authorities. Additionally, the steel plant is accused of improper solid waste management, wherein solid waste is reportedly being



Bickram Kumar Sahas

dumped outside the unit premises instead of being disposed of in an environmentally sustainable manner. Another serious allegation concerns the encroachment upon private land in violation of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 2023.

6. That the applicants further alleges that the company is operating without a valid Environmental Clearance, as the amendment of name from M/s BRG Iron & Steel Co. (P) Ltd. to M/s Rimjhim Ispat Ltd. has not been duly reflected in the requisite approvals. It is further alleged that the respondent has failed to comply with critical environmental conditions, including the mandatory recycling and reuse of treated wastewater, thereby violating the zero-effluent discharge condition stipulated in its Environmental Clearance. Additionally, specific conditions regarding waste management, such as the reuse of by-products and the responsible disposal of solid waste, are purportedly being disregarded. These allegations highlight significant environmental and regulatory concerns associated with the operations of M/s Rimjhim Ispat Ltd., warranting appropriate legal and administrative scrutiny.
7. That upon considering the allegations made, Hon'ble Tribunal deemed it appropriate to constitute a fact finding Committee comprising of the following Members:-

- (i) Senior Scientist, MoEF&CC, Integrated Regional Office, Bhubaneswar,
- (ii) Senior Scientist, Central Pollution Control Board,
- (iii) Senior Scientist, Odisha State Pollution Control Board,
- (iv) District Collector, Dhenkanal, or his representative not below the rank of Additional District Magistrate and the Committee shall inspect the site in question and submit its Report within

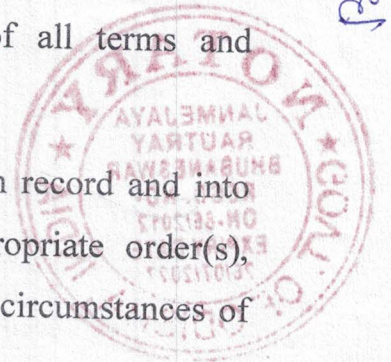


Bikram Kumar Sahas

four weeks on affidavit with regard to the allegations made. Furthermore, the District Collector, Dhenkanal, shall be the Nodal Agency for all logistic purposes and for filing the Report of the Committee on affidavit.

8. That the Hon'ble Tribunal vide its order dated 05.02.2025 issued notice to the Answering Respondents and directed the Answering Respondents to submit counter affidavit.
9. That it is submitted that in compliance with the aforesaid order a letter was served to the project proponent for regular compliance of conditions laid down in NOC issued for extraction of ground water. Copy of the letter sent to the PP is annexed herewith as **Annexure I**.
10. That it is submitted that the Project Proponent is having valid NOC for ground water extraction which was issued to M/s BRG Iron and Steel Co. Pvt Ltd having validity from 08.01.2023 to 07.01.2026. Copy of the NOC issued to PP is annexed herewith as **Annexure II**. Further it is submitted that, upon scrutiny of the documents submitted by the project proponent it was found that the above-named firm is compliant of all terms and conditions of NOCs.
11. That the present counter affidavit may kindly be taken on record and into consideration and the Hon'ble Tribunal may pass appropriate order(s), direction(s) as deemed fit and proper under the facts and circumstances of the present case
12. That other/ancillary issues raised in the application under reply do not pertain to the Answering Respondents. The Answering Respondents seeks

Bikram Kumar Sahas



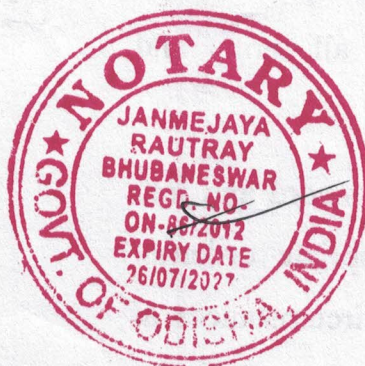
leave to make additional submissions, if required, during the course of the proceedings

Poikram Kumar Sahoo
DEPONENT 11/3/25

Verification

Verified at POKRA on 11 MAR 2025 the contents of the above paragraphs which are true to my own knowledge and/or are in the nature of legal submissions which I believe to be true and no material has been suppressed herewith.

Poikram Kumar Sahoo
DEPONENT 11/3/25



The above named deponent(s) being duly identified by Sri..... Advocate, Bhubaneswar
Appears before me on dt. 11 MAR 2025
at.....
on oath the contents of this affidavit are true to the best of his / her / their knowledge and belief.

Dependent(s) Notary, POKRA

JANMEJAYA RAUTRAY
NOTARY, GOVT. OF ODISHA
BHUBANESWAR
REGD. NO. ON-86/2012
Mob. No. - 9337121272





सत्यमेव जयते



ONE EARTH - ONE FAMILY - ONE FUTURE

भारत सरकार
Government of Indiaजल शक्ति मंत्रालय, Ministry of Jal Shakti
जल संसाधन, नदी विकास और गंगा संरक्षण विभागDepartment of Water Resources, River Development & Ganga Rejuvenation
केंद्रीय भूजल बोर्ड, दक्षिण पूर्वी क्षेत्र, Central Ground Water Board, South Eastern Region
भुजल भवन, खंडागिरी चौक, भुवनेश्वर, ओडिशा, भारत -751030
Bhujal Bhawan, Khandagiri Square, Bhubaneswar, Odisha, India -75103075
आज़ादी का
अमृत महोत्सव

Annexure - I

File No. 5-22/SER/CGWA/2024-25-252

Date: 28 FEB 2025

To
M/s Rimjhim Ispat Limited
At-Kurunti PO-Kusupanga
Block-Odapada
District- Dhenkanal
PIN-759122**Subject: Compliance of the conditions laid down in NOC for ground water extraction-reg.**

Sir,

Kindly refer to the NOC for ground water extraction issued to M/s BRG Iron and Steel Co. Pvt Ltd having validity from 08/01/2023 to 07/01/2026 subject to compliance of certain conditions. You have filled online compliance on 22/06/2023. However, following data/information are supposed to be submitted in quarterly basis to this office.

1. Telemetry based water flow meter data; it is to inform you that your telemetry system is inactive as on date.
2. DWLR data (Water level data)
3. Water quality data
4. Calibration certificate

In view of this you are requested to kindly submit the above data/report for record.

Yours faithfully,

बि के साहू 28/02/25
(Dr. B. K. Sahoo)
Regional Director



भारत सरकार
जल शक्ति मंत्रालय
जल संसाधन, नदी विकास
और गंगा संरक्षण विभाग
केन्द्रीय भूमि जल प्राधिकरण
Government of India
Ministry of Jal Shakti
Department of Water Resources,
River Development & Ganga Rejuvenation
Central Ground Water Authority

(भूजल निकासी हेतु अनापत्ति प्रमाण पत्र)

NO OBJECTION CERTIFICATE (NOC) FOR GROUND WATER ABSTRACTION

Project Name:	M/s Brg Iron And Steel Co. Pvt Ltd		
Project Address:	At:kurunti, Po:kusupanga		
Village:	Kurunti	Block:	Odapada
District:	Dhenkanal	State:	Odisha
Pin Code:			
Communication Address:	M/s Brg Iron And Steel Co. Pvt. Ltd., 1st Floor, Plot No. 99/1, Jaydev Vihar, Po.: Rrl Campus, Ps.: Nayapally, Bhubaneswar, Bhubaneswar, Khordha, Odisha - 751013		
Address of CGWB Regional Office :	Central Ground Water Board South Eastern Region, Bhujal Bhawan, Khandagiri Square, Nh-5, Bhubaneshwar, Khordha, Odisha - 751030		

1.	NOC No.:	CGWA/NOC/IND/ORIG/2023/17490					2.	Date of Issuance			1/8/2023 12:00:00 AM				
3.	Application No.:	21-4/4629/OR/IND/2022					4.	Category: (GWRE 2020)			Safe				
5.	Project Status:	New Project					6.	NOC Type:			New				
7.	Valid from:	08/01/2023					8.	Valid up to:			07/01/2026				
9.	Ground Water Abstraction Permitted:														
Fresh Water		Saline Water				Dewatering				Total					
m³/day		m³/year		m³/day		m³/year		m³/day		m³/year		m³/day		m³/year	
100.00		36500.00										100.00		36500.00	
10.	Details of ground water abstraction /Dewatering structures														
Total Existing No							Total Proposed No								
		DW	DCB	BW	TW	MP	MPu	DW	DCB	BW	TW	MP	MPu		
Abstraction Structure*		0	0	0	0	0	0	0	0	2	0	0	0		
*DW- Dug Well; DCB-Dug-cum-Bore Well; BW-Bore Well; TW-Tube Well; MP-Mine Pit;MPu-Mine Pumps															
11.	Ground Water Abstraction/Restoration Charges paid (Rs.):							36500.00							
12.	Environment Compensation (if applicable) paid (Rs.):							0.00							
13.	Number of Piezometers(Observation wells) to be constructed/ monitored & Monitoring mechanism.					No. of Piezometers		Monitoring Mechanism							
Manual								DWLR**		DWLR With Telemetry					
**DWLR - Digital Water Level Recorder						1		0		1		0			

(Compliance Conditions given overleaf)

This is an auto generated document & need not to be signed.

Validity of this NOC shall be subject to compliance of the following conditions:

Mandatory conditions:

- 1) Installation of tamper proof digital water flow meter with telemetry on all the abstraction structure(s) shall be mandatory for all users seeking No Objection Certificate and intimation regarding their installation shall be communicated to the CGWA within 30 days of grant of No Objection Certificate.
- 2) Proponents shall mandatorily get water flow meter calibrated from an authorized agency once in a year.
- 3) Construction of purpose-built observation wells (piezometers) for ground water level monitoring shall be mandatory as per Section 14 of Guidelines. Water level data shall be made available to CGWA through web portal. Detailed guidelines for construction of piezometers are given in Annexure-II of the guidelines.
- 4) Proponents shall monitor quality of ground water from the abstraction structure(s) once in a year. Water samples from bore wells/ tube wells / dug wells shall be collected during April/May every year and analysed in NABL accredited laboratories for basic parameters (cations and anions), heavy metals, pesticides/ organic compounds etc. Water quality data shall be made available to CGWA through the web portal.
- 5) In case of mining projects, additional key wells shall be established in consultation with the Regional Director, CGWB for ground water level monitoring four (4) times a year (January, May, August and November) in core as well as buffer zones of the mine.
- 6) In case of mining project the firm shall submit water quality report of mine discharge/ seepage from Govt. approved/ NABL accredited lab.
- 7) The firm shall report compliance of the NOC conditions online in the website (www.cgwa-noc.gov.in) within one year from the date of issue of this NOC.
- 8) Industries abstracting ground water in excess of 100 m³/d shall undertake annual water audit through certified auditors and submit audit reports within three months of completion of the same to CGWA. All such industries shall be required to reduce their ground water use by at least 20% over the next three years through appropriate means.
- 9) Application for renewal can be submitted online from 90 days before the expiry of NOC. Ground water withdrawal, if any, after expiry of NOC shall be illegal & liable for legal action as per provisions of Environment (Protection) Act, 1986.
- 10) This NOC is subject to prevailing Central/State Government rules/laws/norms or Court orders related to construction of tube well/ground water abstraction structure / recharge or conservation structure/discharge of effluents or any such matter as applicable.

General conditions:

- 11) No additional ground water abstraction and/or de-watering structures shall be constructed for this purpose without prior approval of the Central Ground Water Authority (CGWA).
- 12) The proponent shall seek prior permission from CGWA for any increase in quantum of groundwater abstraction (more than that permitted in NOC for specific period).
- 13) Proponents shall install roof top rain water harvesting in the premise as per the existing building bye laws in the premise.
- 14) The project proponent shall take all necessary measures to prevent contamination of ground water in the premises failing which the firm shall be responsible for any consequences arising thereupon.
- 15) In case of industries that are likely to contaminate the ground water, no recharge measures shall be taken up by the firm inside the plant premises. The runoff generated from the rooftop shall be stored and put to beneficial use by the firm.
- 16) Wherever feasible, requirement of water for greenbelt (horticulture) shall be met from recycled / treated waste water.
- 17) Wherever the NOC is for abstraction of saline water and the existing wells (s) is /are yielding fresh water, the same shall be sealed and new tubewell(s) tapping saline water zone shall be constructed within 3 months of the issuance of NOC. The firm shall also ensure safe disposal of saline residue, if any.
- 18) Unexpected variations in inflow of ground water into the mine pit, if any, shall be reported to the concerned Regional Director, Central Ground Water Board.
- 19) In case of violation of any NOC conditions, the applicant shall be liable to pay the penalties as per Section 16 of Guidelines.
- 20) This NOC does not absolve the proponents of their obligation / requirement to obtain other statutory and administrative clearances from appropriate authorities.
- 21) The issue of this NOC does not imply that other statutory / administrative clearances shall be granted to the project by the concerned authorities. Such authorities would consider the project on merits and take decisions independently of the NOC.
- 22) In case of change of ownership, new owner of the industry will have to apply for incorporation of necessary changes in the No Objection Certificate with documentary proof within 60 days of taking over possession of the premises.
- 23) This NOC is being issued without any prejudice to the directions of the Hon'ble NGT/court orders in cases related to ground water or any other related matters.
- 24) Proponents, who have installed/constructed artificial recharge structures in compliance of the NOC granted to them previously and have availed rebate of upto 50% (fifty percent) in the ground water abstraction charges/ground water restoration charges, shall continue to regularly maintain artificial recharge structures.
- 25) Industries which are likely to cause ground water pollution e.g. Tanning, Slaughter Houses, Dye, Chemical/ Petrochemical, Coal washeries, pharmaceutical, other hazardous units etc. (as per CPCB list) need to undertake necessary well head protection measures to ensure prevention of ground water pollution as per Annexure III of the guidelines.
- 26) In case of new infrastructure projects having ground water abstraction of more than 20 m³/day, the firm/entity shall ensure implementation of dual water supply system in the projects.
- 27) In case of infrastructure projects, paved/parking area must be covered with interlocking/perforated tiles or other suitable measures to ensure groundwater infiltration/harvesting.
- 28) In case of coal and other base metal mining projects, the project proponent shall use the advance dewatering technology (by construction of series of dewatering abstraction structures) to avoid contamination of surface water.
- 29) The NOC issued is conditional subject to the conditions mentioned in the Public notice dated 27.01.2021 failing which penalty/EC/cancellation of NOC shall be imposed as the case may be.
- 30) This NOC is issued subject to the clearance of Expert Appraisal Committee (EAC) (if applicable).

(Non-compliance of the conditions mentioned above is likely to result in the cancellation of NOC and legal action against the proponent.)

CENTRAL GROUND WATER AUTHORITY
Department of Water Resources, River Development and Ganga Rejuvenation
Ministry of Jal Shakti, Govt. of India

18/11, जामनगर हाउस, मानसिंह रोड, नई दिल्ली - 110011 / 18/11, Jamnagar House, Mansingh Road, New Delhi-110011

Phone: (011) 23383561 Fax: 23382051, 23386743

Website: cgwa-noc.gov.in

पानी बचाये - जीवन बचाये
SAVE WATER - SAVE LIFE

V A K A L A T N A M A

BEFORE THE NATIONAL GREEN TRIBUNAL, KOLKATA/EZ

Original Application/Appeal No. 15/2025

Harihar Samal & Anr.

Plaintiff
Petitioners

-Versus-

STATE OF ODISHA & ORS.

Defendant
Opposite PartyOn behalf of **Respondent Nos. 11 & 12**

Know all men by these presents that by Vakalatnama I/We appoint the Advocates noted below or any of them my/our lawful Advocate or Advocates for filing above matter for appearing in conducting and arguing the same, for depositing or withdrawing any money in connection therewith for moving the Court in any matter connected therewith, for preparing the paper book in the case and for putting in papers petitions etc. on my/our behalf for filing taking back any documents for withdrawing suits or appeals or petitions with permission to institute fresh suits etc. For signing and filing petitions of compromise in connections with said matter and for taking copies of paper form the Record and I/We further say that any act, done by my/one said Advocate or Advocates or by any of them after accepting this Vakalatnama, shall be considered as my/our true and lawful act.

And I/we further hereby agree and undertake to pay the said Advocates his or their fees are settled and all others sums that may be necessary to carry out the requisition of the Court and otherwise to enable the said Advocates to conduct properly. Failing which the said Advocates after notice to me/us will be liberty to withdraw form the further conduct to the case.

IN WITNESS WHERE OF I/We sign and execute this Vakalatnama on this the 9th day on March 2025

NAME OF ADVOCATE

Gigi C George, Adv

Standing Counsel

Ch. No.336, Lawyers Chamber Block,

Saket District Court, New Delhi

Also at Ch.457, Block-1

Delhi High Court, New Delhi

Enrol No.D1154@/1999

Mob: 9810625315

Email: gigicgeorge.adv42@yahoo.in

CLIENT

Bikram Kumar Sahoo