

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,**

**EASTERN ZONE BENCH AT KOLKATA**

**Original Application No. 41 of 2026/EZ**

IN THE MATTER OF:

Dilip Kumar Samantaray

...Applicant

Versus

The State of Odisha & Ors.

...Respondents

**AFFIDAVIT-IN-OPPOSITION ON BEHALF OF RESPONDENT NO. 9**

**PAPER BOOK**

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**ADVOCATE FOR THE RESPONDENT NO. 9 – DEBAYAN SEN**

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**Filed by:**

Place: Kolkata  
Date: 18.05.2026

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BEFORE PRATAP NARAYAN TRIPATHI  
NOTARY, JHARSUGUDA  
REGD. No.- ON 01/13  
Dt. No. 12.07.2026

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

Original Application No. 41 of 2026/EZ

(Under Section 14 read with Section 18(1) and (2) of the National Green Tribunal Act, 2010)

IN THE MATTER OF:

Dilip Kumar Samantaray

... Applicant

– Versus –

The State of Odisha & Ors.

... Respondents

**AFFIDAVIT-IN-OPPOSITION ON BEHALF OF RESPONDENT NO. 9**

I, Pradeep Moar, aged about 60 years, son/daughter of Late Dael Singh Moar, working as Head- Coordination and Logistic of M/s ACB (India) Limited, having its Hemgir Coal Washery at Village Kanika, P.O. Hemgir Road, Tehsil Hemgir, District Sundargarh, Odisha – 770075, do hereby solemnly affirm and state as follows:

1. I am the deponent abovenamed and have been duly authorised by the Respondent No. 9, M/s ACB (India) Limited (hereinafter referred to as the “Answering Respondent”), to swear and affirm the present Affidavit-in-Opposition on its behalf. I am conversant with the facts and circumstances of the case from the records maintained by the Answering Respondent in the ordinary course of business, and I am otherwise competent to make and affirm this affidavit.
2. The present Affidavit-in-Opposition is being filed by the Answering Respondent in compliance with the order dated 30.03.2026 passed by this Hon’ble Tribunal in Original Application No. 41 of 2026/EZ(hereinafter referred to as the “said Application”), whereby this Hon’ble Tribunal was


pleased to issue notice of the said Application to, inter alios, the Answering Respondent and to direct that responses by the respondents may be filed.

3. I have read and understood a copy of the Original Application bearing No. 41 of 2026/EZ filed before this Hon'ble Tribunal by the Applicant, supported by an affidavit purportedly affirmed on or about 2<sup>nd</sup> February, 2026 and the documents annexed thereto. The contents thereof are dealt with hereinafter.
4. Save and except what are matters of record and/or are expressly admitted herein, the Answering Respondent denies and disputes each and every allegation contained in the said Application as if the same were set out herein and traversed seriatim. No statement contained in the said Application shall be deemed to be admitted by reason merely of non-traverse, and the Answering Respondent reserves its right to deal with any further matter that may arise.

#### I. PRELIMINARY OBJECTIONS AND POINTS OF MAINTAINABILITY

5. The said Application is not maintainable, either in law or on facts, and is liable to be dismissed in limine for, inter alia, the reasons set out hereunder, without prejudice to one another.

- (a) **Lack of locus standi and inadequate disclosure:** The Applicant has merely described himself as a "practicing advocate and environment activist" without disclosing any particulars of his professional engagement with environmental jurisprudence, his connection with the area in question, or the nature of any environmental injury suffered by him. No documentary material has been placed on record in support of his bare assertions. The Applicant has therefore failed to demonstrate that he is a "person aggrieved" within the meaning of Section 18(2) of the National Green Tribunal Act, 2010. The recording in the order dated 30.03.2026 of notice having been issued is a purely procedural threshold determination and does not foreclose the issue of locus, which is a jurisdictional question that may be examined at any stage.



- (b) **Suppression of material facts and unclean hands:** The Applicant has approached this Hon'ble Tribunal with unclean hands. He has suppressed the fact that the very subject-matter of the said Application, namely the alleged stocking of coal outside the Hemgir Coal Washery and the consequential proceedings before the Office of the Deputy Director of Mines, Rourkela Circle, stands fully concluded by the competent statutory authorities, with penalties imposed and discharged, the seized stocks released in favour of the Answering Respondent, and the suspension of licence revoked on payment of penalty. The Applicant has further suppressed the closure of the criminal case (Hemgir P.S. Case No. 143 dated 16.04.2025) as a "Mistake of Fact" in the Final Report dated 28.07.2025.
- (c) **No surviving cause of action:** The reliefs sought in the said Application, essentially environmental compensation, revocation of Environmental Clearance and Consent to Operate, and constitution of an expert committee, are premised on alleged events that have already been adjudicated, regulated and closed by the competent statutory authorities under the Orissa Minerals (Prevention of Theft, Smuggling & Illegal Mining and Regulation of Possession, Storage, Trading and Transportation) Rules, 2007 ("OMPTS Rules, 2007"). No fresh cause of action has been pleaded.
- (d) **Bar of double jeopardy in regulatory adjudication:** The Answering Respondent has already suffered penal consequences in respect of the very acts complained of, including suspension of licence, seizure of stock and payment of penalty. The principles underlying *audi alteram partem* and proportionality preclude a second round of proceedings on the self-same cause of action.
- (e) **Application is vague, speculative and based on inadmissible material:** The said Application is founded almost entirely upon an unverified newspaper report (Indian Express News, Digital Edition, 17.04.2025) and



the Applicant's own self-serving representation. Newspaper reports are inadmissible in evidence as proof of their contents and cannot form the basis of judicial scrutiny in the absence of independent material. The alleged "violations" of specific Environmental Clearance and Consent to Operate conditions enumerated in the Application have not been substantiated by any inspection report, sampling data, or finding of the State Pollution Control Board, Odisha (Respondent No. 6) or the State Environment Impact Assessment Authority, Odisha (Respondent No. 7), both of whom have accepted notice in the proceedings.

(f) **Delay, laches and limitation:** The Applicant himself dates the alleged stocking to "2023" and yet has approached this Hon'ble Tribunal only in February 2026. The bare assertion of a "continuing cause of action" is unsustainable in view of the fact that the regulatory action initiated on 10.04.2025 stood fully concluded between May and September 2025. The Application is barred by limitation under Section 14(3) read with Section 15(3) of the National Green Tribunal Act, 2010, and is liable to be dismissed on the ground of unexplained delay and laches.

(g) **Reliefs are misconceived in law:** Prayer (I) of the said Application itself concedes that there is no existing assessment of environmental damage and seeks the constitution of a Joint Expert Committee for that very purpose. Such an unparticularised, roving exercise cannot be ordered in the absence of any prima facie case of environmental damage being made out by the Applicant on the basis of cogent material. Significantly, by the order dated 30.03.2026, this Hon'ble Tribunal has expressly declined to constitute any such committee at the threshold and has confined itself to issuing notice of the said Application. Equally, the prayer for revocation of EC and CTO is wholly disproportionate, particularly as the regulatory authorities have themselves chosen to deal with the matter by way of penalty under the OMPTS Rules, 2007 rather than cancellation, and the Consent to Operate has, in fact, been freshly granted by Respondent No. 6 on 25.04.2025 valid upto 31.03.2026 which has been subsequently



renewed upto 31.03.2030 vide order no. 4581/ IND-I-CON-6640 dated 30.03.2026 by Respondent No. 6. A Mining License was issued vide License No.RLD13783/2020 dated.10.06.2020 which was renewed up to 08.09.2025, from Dy. Director Mines, Rourkela for procuring, processing and selling of washed Coal under PI category of rule 6 & 7 of OMPTS Rules 2007 which was subsequently renewed upto 08.09.2030 vide License No.RLD18366/2025 dated 08.09.2025 by Dy. Director Mines, Rourkela.

- (h) **Compliance with statutory regime:** The Answering Respondent operates the Hemgir Coal Washery under a valid Environmental Clearance dated 22.06.2009 granted by the Ministry of Environment & Forests, Government of India, the Consent to Operate granted by the State Pollution Control Board, Odisha (the latest consent having been issued on 30.03.2026) and a Mining Licence (Licence No. RLD13783/2020 dated 08.09.2025) issued by the Office of the Deputy Director of Mines, Rourkela. As such, the Answering Respondent has, at all material times, operated under valid statutory permissions.



## II. PRELIMINARY STATEMENT OF FACTS

6. Without prejudice to the preliminary objections set out hereinabove, and on the contrary strongly relying thereon, the Answering Respondent craves leave of this Hon'ble Tribunal to set out a brief statement of relevant facts before traversing the allegations made in the said Application.

- (a) **Nature of operations:** The Answering Respondent operates the Hemgir Coal Washery (5 MTPA, wet process) at Village Kanika, Tehsil Hemgir, District Sundargarh, Odisha, established pursuant to the Environmental Clearance dated 22.06.2009 issued by the Ministry of Environment & Forests, Government of India. The washery is a zero-discharge unit. Coal is procured from various coal fields, including subsidiaries of Coal India Limited and OCPL, washed at the said unit, and dispatched by railway

rakes through the linked PAHD railway siding to the end customers of the Answering Respondent.

(b) **Statutory permissions:** The Answering Respondent holds, inter alia, (i) the said Environmental Clearance dated 22.06.2009; (ii) the latest Consent to Operate issued by the Respondent No. 6 on 25.04.2025 valid upto 31.03.2026 which has been subsequently renewed upto 31.03.2030 vide order no. 4581/IND-I-CON-6640 dated 30.03.2026 by Respondent No. 6. (the said Consent to Operate having admittedly been issued during the period of the events complained of, evidencing that the Answering Respondent has been treated by the State Pollution Control Board as compliant with applicable environmental conditions); and (iii) the Mining Licence No. RLD13783/2020 dated 10.06.2020 issued by the Office of the Deputy Director of Mines, Rourkela which was valid up to 08.09.2025, for procuring, processing and selling of washed Coal under Pl category of rule 6 & 7 of OMPTS Rules 2007 and was subsequently renewed upto 08.09.2030 vide License No.RLD18366/2025 dated 08.09.2025 by Dy. Director Mines, Rourkela.. The Answering Respondent has at no material time knowingly or wilfully violated any environmental law or statutory condition as stipulated under the above mentioned clearances or consents.

(c) **Genesis of the temporary stacking of coal:** In and around March, 2025, the Answering Respondent, in the ordinary course of its business, procured and washed coal at the Hemgir Coal Washery against pending Delivery Orders (DOs) of various linked customers. The washed coal was duly transported, with the requisite mining permits and e-passes, from the washery to the linked PAHD railway siding for dispatch by railway rakes. However, on account of inadequate availability of railway rakes commensurate with the daily dispatch requirement, washed coal accumulated at the railway siding. The continued accumulation of coal at the railway siding posed a real and present fire-hazard and environmental risk. The Answering Respondent was therefore constrained, on a wholly



temporary basis and without any intent to violate the OMPTS Rules, 2007, to stack a portion of the coal on its own private plot (Plot No. 54/2180, Khata No. 251/653, Mouza Kanika), which lies adjacent and outside the plant premises and belongs to the Answering Respondent.

(d) **Joint physical verification on 10.04.2025:** On 10.04.2025, a joint physical verification of the raw coal stock inside the washery was conducted by the Sub-Collector, Sadar, Sundargarh, the Deputy Director of Mines, Rourkela, the SDPO, Sundargarh and the Tahsildar, Hemgir. The book stock as on date stood at 60,106.870 MT and the physical stock was found to be 57,303.850 MT, resulting in a recorded variance of 2,803.020 MT, which is approximately 4.66% of the book stock. Such variance falls within the commonly accepted margin of measurement variation in bulk coal stock assessment, particularly where heap measurement and volumetric assessment are involved. In any event, the said variance was subsequently dealt with by the competent mining authority under the OMPTS Rules, 2007 and did not result in any finding of illegal mining, theft, royalty evasion or environmental non-compliance.



(e) **Verification on 15.04.2025 and PS Case No. 143 of 16.04.2025:** On 15.04.2025, on physical verification it was found that 9,594.426 MT of raw coal was lying on Plot No. 54/2180, Khata No. 251/653, Village Kanika, owned by the Answering Respondent. By letter dated 16<sup>th</sup> April, 2025, the Sub-Collector, Sadar, Sundargarh ordered closure of the Coal Washery and suspended Licence No. RLD13783/2020 dated 10.06.2020. Pursuant thereto, Hemgir P.S. Case No. 143 dated 16.04.2025 came to be registered under Sections 303(2) / 317(2) / 3(5) of the Bharatiya Nyaya Sanhita read with Section 21 of the MMDR Act, 1957. The Answering Respondent immediately suspended plant operations.

(f) **Verification on 20.04.2025 and seizure of 44,167.591 MT washed coal:** On 20.04.2025, the base-level Mining Squad of the Office of the

Deputy Director of Mines, Rourkela, headed by Sri B.D. Sethi, Deputy Director of Mines, conducted a separate physical verification of washed coal stock. A quantity of 44,167.591 MT of washed coal was found stored adjacent and outside the plant premises on the land parcel owned by the Answering Respondent and was placed under seizure. Verification on the basis of e-pass records confirmed that the said washed coal had been transported from the Hemgir Coal Washery to the PAHD railway siding under valid permits. The seized washed coal was kept in the safe custody of Sri Vivek Verma, AGM, ACB (India) Ltd., under proper Zimmanama.

(g) **Letter dated 21.04.2025 – fire risk and request to liquidate:**

Apprehending spontaneous heating and fire in the heaped coal on account of prevailing hot weather conditions in and around the locality, the Answering Respondent, by its letter Ref. No. ACBIL/Hemgir/DDM/25-26/073 dated 21.04.2025, intimated the Office of the Deputy Director of Mines, Rourkela of the said fire risk and sought permission to quench the fire and to liquidate the coal at the earliest. A copy of the said letter is annexed hereto and marked with the letter “R1”.

(h) **Show-cause notice dated 24.04.2025 and reply dated 25.04.2025:**

A show-cause notice bearing No. 1348/Mines dated 24.04.2025 was issued by the Office of the Deputy Director of Mines, Rourkela, in respect of the 44,167.591 MT of washed coal. The Answering Respondent submitted a comprehensive reply by its letter Ref. No. ACBIL/Hemgir/DDM/25-26/074 dated 25.04.2025, recording that (i) due to non-availability of railway rakes commensurate with daily dispatch, washed coal had accumulated adjacent to the railway siding; (ii) the washed coal was at all times transported from the washery to the siding under proper mining permits and passes; (iii) the temporary stacking outside the washery was occasioned by space constraints at the railway siding and non-availability of railway rakes and an imminent risk of spontaneous combustion; and (iv) it is quite apparent that there was neither any occasion nor any intent on the part of the Answering Respondent to violate any term or condition



of the OMPTS Rules, 2007. Copies of the show-cause notice dated 24.04.2025 and the reply dated 25.04.2025 are annexed hereto and marked with the letter "R2" & "R3" respectively.

- (i) **Issuance of latest Consent to Operate on 25.04.2025:** On 25.04.2025, on the application of the Answering Respondent (Application No. 6048155 dated 01.01.2025), Respondent No. 6, the State Pollution Control Board, Odisha, issued the Consent to Operate to the Answering Respondent valid upto 31.03.2026 which has been subsequently renewed upto 31.03.2030 vide order no. 4581/ IND-I-CON-6640 dated 30.03.2026 by Respondent No. 6., a copy whereof is annexed hereto and marked with the letter "R4". The grant of the said Consent to Operate after thorough and detailed scrutiny by the SPCB authorities at the very point in time when the events alleged in the said Application were unfolding is itself a contemporaneous regulatory determination that the Answering Respondent's operations were not in violation of the conditions of Consent to Operate.
- (j) **Office Order dated 17.05.2025, release of 44,167.591 MT washed coal:** By Office Order bearing Memo No. 1646/Mines dated 17.05.2025 of the Office of the Deputy Director of Mines, Rourkela, the seizure of 44,167.591 MT of washed coal was released in favour of the Answering Respondent on payment of penalty of Rs. 5,00,000/- (Rupees Five Lakhs only). The said penalty has been duly paid by the Answering Respondent vide e-Challan reference No. 3A53EF4B10 dated 16.05.2025 (treasury Challan No. 0853/5457 dated 17.05.2025). Copies of the Treasury Challan dated 16.05.2025 and the Office Order dated 17.05.2025 are annexed hereto and marked with the letters "R5" and "R6" respectively.
- (k) **Show-cause notice dated 30.06.2025 and reply dated 01.07.2025:** Pursuant to a joint re-measurement of physical raw coal stock conducted on 16.06.2025, 17.06.2025 and 23.06.2025, a show-cause notice bearing Memo No. 2181/Mines dated 30.06.2025 was issued by the Office of the



Deputy Director of Mines, Rourkela. The Answering Respondent, by its letter Ref. No. ACBIL/Hemgir/DDM/25-26/031 dated 01.07.2025, replied to the said show-cause notice, demonstrating, inter alia, that (i) the entirety of the raw coal stock (whether inside or outside the washery) aggregated 57,092.503 MT (47,498.077 MT + 9,594.426 MT) as against the book stock of 60,106.870 MT, leaving a residual variance of 3,014.367 MT, which is approximately mere 5% of book stock and (ii) the shifting of approximately 9,602.500 MT of raw coal between 10.04.2025 and 15.04.2025 to Plot No. 54/2180 was occasioned solely by the need to safeguard a national asset from spontaneous heating and fire due to prevalent heatwave conditions in the locality. Copies of the show-cause notice dated 30.06.2025 and the reply dated 01.07.2025 are annexed hereto and marked with the letters “R7” & “R8” respectively.

(l) **Letter dated 08.07.2025 and revocation of suspension on 09.07.2025:**

In view of the continued subsistence of the suspension of the Mining Licence and the consequential impact on plant operations, the Answering Respondent, by its letter Ref. No. ACBIL/Hemgir/DDM/2025-26/035 dated 08.07.2025, requested withdrawal of the seizure / suspension order and restoration of plant operations. By Office Order dated 09.07.2025 of the Office of the Deputy Director of Mines, Rourkela, the suspension of Licence No. RLD13783/2020 dated 10.06.2020 was revoked on payment of penalty of Rs. 5,00,000/- (Rupees Five Lakhs only). As a law abiding entity, the said penalty was paid in two tranches by the Answering Respondent on 09.07.2025 (e-Challan reference No. 3A5F6ED028 for Rs. 4,00,000/- and e-Challan reference No. 3A5F6ED243 for Rs. 1,00,000/-). Copies of the Treasury Challans dated 09.07.2025 and the Office Order dated 09.07.2025 are annexed hereto and marked with the letters “R9” & “R10” respectively.

(m) **Closure of Hemgir P.S. Case No. 143 of 16.04.2025 as “Mistake of**

**Fact”:** In a concurrent event, upon completion of investigation, the Investigating Officer, S.I. M. Sahu, submitted the Final Report bearing




FR No. 143 dated 28.07.2025 in Hemgir P.S. Case No. 143 dated 16.04.2025 (under Sections 303(2) / 317(2) / 3(5) BNS read with Section 21 of the MMDR Act, 1957) before the Hon'ble Civil Judge-cum-JMFC, Hemgir, Sundargarh, recording the case as a "Mistake of Fact" and stating that the seized coal of 9,594.426 MT was transported and shifted outside the washery to prevent fire. The Inspector-in-Charge, Hemgir Police Station, has duly intimated the said position to the Office of the Deputy Director of Mines, Rourkela by letter No. 5150/Hemgir P.S. dated 06.08.2025. The closure of the criminal proceedings as a "Mistake of Fact" conclusively establishes that there was no theft, illegal mining or unlawful procurement of coal by the Answering Respondent and this excess storage at best can be termed as a mere procedural lapse necessitated by events outside the reasonable control of the Answering Respondent for which the it was adequately penalized, that was duly deposited in the public exchequer also.

- (n) **Office Order dated 08.09.2025, release of 9,594.426 MT raw coal:** By Office Order dated 08.09.2025 of the Office of the Deputy Director of Mines, Rourkela, the seizure of 9,594.426 MT of raw coal lying on Plot No. 54/2180, Khata No. 251/653, Village Kanika was released in favour of the Answering Respondent on payment of penalty of Rs. 5,00,000/- (Rupees Five Lakhs only) (e-Challan reference No. 3A684F77F3 dated 08.09.2025). Pertinently, the said Office Order also records the contemporaneous determination, on the basis of joint sampling and analysis at the Zonal Laboratory, Sambalpur, that the grade of the said coal (GCV-3112, C-14) is consistent with the grade of coal procured by the Answering Respondent, thereby further fortifying the bona fide commercial origin of the stocked coal. Copies of the Treasury Challan dated 08.09.2025 and the Office Order dated 08.09.2025 are annexed hereto and marked with the letters "R11" & "R12" respectively.

- (o) **Full closure of regulatory and criminal proceedings:** It is therefore submitted that the entire factual matrix sought to be agitated in the said



Application stands fully concluded by the competent authorities. The Answering Respondent has paid the penalties imposed upon it under the OMPTS Rules, 2007, the seized stocks have been released, the suspension of its Mining Licence has been revoked, the criminal case has been closed as a “Mistake of Fact”, and the State Pollution Control Board has issued the latest Consent to Operate. The doctrine of regulatory finality, as well as principles of proportionality and reasonable certainty in administrative action, militate against any further proceeding being initiated on the same cause of action.

- (p) **Bona fides and absence of mens rea:** The temporary stacking of coal on Plot No. 54/2180 was undertaken (i) on a private plot owned by the Answering Respondent itself; (ii) under contemporaneous mining permits and e-passes; (iii) for the bona fide and necessary purpose of preventing spontaneous combustion and protecting a national asset; and (iv) in circumstances of railway-rake non-availability beyond the control of the Answering Respondent. There has been no “illegal mining”, no “theft” from leasehold mines, no manipulation of records, and no evasion of royalty or other dues. The findings of the competent statutory authorities entirely buttress this position.



**III. PARAGRAPH-WISE REPLY TO THE SAID APPLICATION AND TO THE ALLEGATIONS RECORDED ORDER DATED 30.03.2026**

**A. Specific Reply to Allegations Recorded in the Order dated 30.03.2026 (paragraphs 1 to 4)**

7. Before traversing the allegations made in the said Application and without prejudice to the preliminary objections and the statement of facts set out in Parts I and II above, the Answering Respondent considers it necessary to deal specifically and pointedly with each substantive allegations recorded in paragraphs 1, 2, 3 and 4 of the order dated 30.03.2026, the said allegations being the contentions of the Applicant paraphrased by this Hon’ble Tribunal in



the said order and not findings of this Hon'ble Tribunal. The said allegations are dealt with seriatim hereunder:

(a) **No “illegal coal stockyard” and no expansion of washery operations**

**beyond the EC area:** It is denied that the Answering Respondent operates an “illegal coal stockyard” outside the approved premises of its Hemgir Coal Washery, as is the case of the Applicant. The Hemgir Coal Washery (5 MTPA, wet process, zero-discharge) functions within its sanctioned premises pursuant to the Environmental Clearance dated 22.06.2009 issued by the Ministry of Environment & Forests, the Mining Licence No. RLD13783/2020 dated 10.06.2020 which was valid up to 08.09.2025, for procuring, processing and selling of washed Coal under Pl category of rule 6 & 7 of OMPTS Rules 2007 and was subsequently renewed upto 08.09.2030 vide License No.RLD18366/2025 dated 08.09.2025 by Dy. Director Mines, Rourkela and the Consent to Operate dated 25.04.2025 issued by Respondent No. 6 valid upto 31.03.2026 which has been subsequently renewed upto 31.03.2030 vide order no. 4581/ IND-I-CON-6640 dated 30.03.2026 by Respondent No. 6.. The temporary stacking, in April 2025, of (i) 9,594.426 MT of raw coal on Plot No. 54/2180, Khata No. 251/653, Mouza Kanika, and (ii) 44,167.591 MT of washed coal en route to the linked PAHD railway siding under valid mining permits, was a wholly temporary, fire-safety-driven and logistical measure occasioned by railway-rake non-availability and the risk of spontaneous combustion at the railway siding. It did not amount to (i) the establishment of an independent coal stockyard or a separate coal-handling facility, (ii) an extension or expansion of the operational area of the washery beyond the EC-sanctioned 13.7 hectares, or (iii) the carrying on of any activity for which a separate Environmental Clearance, Consent to Operate or Mining Licence was required. The said Plot No. 54/2180 is privately owned by the Answering Respondent and was used as a stop-gap holding area. No washing, processing, beneficiation, crushing, screening or other coal-handling activity within the meaning of

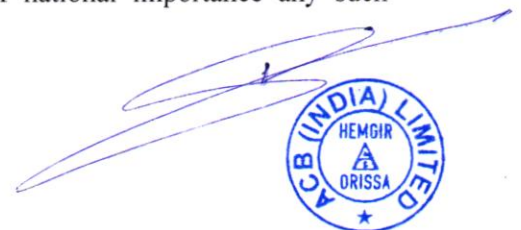



the EC was carried on there. The competent statutory authorities have dealt with the matter exclusively under the Orissa Minerals (Prevention of Theft, Smuggling & Illegal Mining and Regulation of Possession, Storage, Trading and Transportation) Rules, 2007 by imposition and realisation of monetary penalty rather than as an EC/CTO violation, which itself demonstrates that the matter was not treated as one of expansion of the project area in environmentally compliant manner with operation under due authorisation.

- (b) **Allegation of stocking “for more than three years” is unsupported and is denied:** The allegation that the said coal was “stored and used in the factory on a regular basis for more than three years”, is denied as wholly unsupported. The Applicant has placed no document, inspection report, satellite imagery, official record, or any other tangible material before this Hon’ble Tribunal to substantiate the said allegation. On the contrary, the entire factual matrix as recorded in the documents of the Office of the Deputy Director of Mines, Rourkela and the Sub-Collector, Sadar, Sundargarh – unfolded over a discrete and well-documented period between April 2025 and September 2025, commencing with the joint physical verification of 10.04.2025 and culminating in the Office Order dated 08.09.2025. The bare assertion of a multi-year “regular” stocking, founded almost entirely on a newspaper report dated 17.04.2025, cannot be a basis for the substantive reliefs sought and can at best be termed as a mere malafide conjecture.

Answering Respondent is not a mere coal trader or hoarder and in fact, it’s one of the largest private sector coal washery operators in India. Post beneficiation of the raw coal by Answering Respondent’s beneficiation plants, both clean coal and coal rejects are being supplied and used by various power plants across the length and breadth of the country which in turn supplies power to different states. Thus this becomes the lifeline and bears immense significance in a power deficient country like India. Considering this being an activity of national importance any such



unsubstantiated/unfounded allegations causes unnecessary hardships in our operations and must be rejected at the threshold.

(c) **The “about 2 acres / approximately 1 km” averment does not advance the Applicant’s case:** The allegation that “coal stocking and transporting was done from a private plot measuring about two acres situated approximately 1 km from the factory unit” is not denied to the limited extent that Plot No. 54/2180, Khata No. 251/653, Mouza Kanika is a private plot adjacent and proximate to the Hemgir Coal Washery. The precise extent and distance are matters of record and are not material to the maintainability or merits of the said Application. Crucially, however, it is denied that the said proximity by itself converts the temporary stacking into an “expansion” of the washery, into operation “outside the approved premises” for the purposes of the EC, or into a coal-handling activity requiring an independent EC, CTO or Mining Licence. The said plot belongs to the Answering Respondent. Its temporary use for fire-safety-driven holding of coal in transit does not, in law or on facts, constitute an illegal mining, environmentally unsustainable or pollution-control activity.

(d) **The “over 10,000 tonnes” and “about 2,800 tonnes” figures are imprecise and have been conflated by the Applicant:** The figures paraphrased in paragraphs 2 and 3 of the order dated 30.03.2026 conflate three distinct quantities of coal, which must be kept apart on a proper appreciation of the regulatory record:

(i) A book-to-physical variance of 2,803.020 MT of raw coal inside the washery was recorded at the joint physical verification dated 10.04.2025 against a book stock of 60,106.870 MT, i.e., approximately mere 4.66% of book stock. This variance was, in any event, subsequently reconciled and substantiated on joint re-measurement on 16.06.2025, 17.06.2025 and 23.06.2025, the total raw coal stock (inside and outside the washery)




aggregating 57,092.503 MT against a book stock of 60,106.870 MT, leaving a residual variance of approximately to mere 5%.

(ii) A quantity of 9,594.426 MT of raw coal was found, on physical verification dated 15.04.2025, on Plot No. 54/2180, Khata No. 251/653, Mouza Kanika. The said plot being owned by the Answering Respondent, the seizure of the said quantity was released in favour of the Answering Respondent by Office Order dated 08.09.2025 of the Office of the Deputy Director of Mines, Rourkela on payment of penalty of Rs. 5,00,000/-, with the said Office Order itself recording, on the basis of joint sampling at the Zonal Laboratory, Sambalpur, that the grade of the said coal (GCV-3112, C-14) is consistent with the grade of coal procured by the Answering Respondent.

(iii) A quantity of 44,167.591 MT of washed coal (a distinct and separately seized quantity) was found, on physical verification dated 20.04.2025, lying adjacent and outside the plant premises en route to the linked PAHD railway siding; the said washed coal had been transported under valid mining permits, namely Permit No. 132503477 dated 11.03.2025 and Permit No. 132506902 dated 22.03.2025, and was released by Office Order Memo No. 1646/Mines dated 17.05.2025 on payment of penalty of Rs. 5,00,000/-.

The Applicant's lumping together of these distinct quantities under the rubric of "over 10,000 tonnes of illegally stored coal" is, with respect, factually inaccurate and is denied. The correct figures, their lawful origin and their regulated disposition appear from the contemporaneous documents of the competent statutory authorities annexed/referred to hereinabove.

- (e) **Allegations of violation of specific EC/CTO conditions (13.7 ha area, earmarked stockyards, zero discharge, closed transportation/handling, fugitive dust and runoff) are denied for want of supporting material:** The Applicant's case that the EC "strictly



*[Handwritten signature in blue ink]*



limits area of operation to 13.7 hectares, storage of raw coal, washed coal and rejects only within earmarked stockyards, zero discharge operation, transportation and handling through closed systems and strict control of fugitive dust and runoff” and that the Answering Respondent has been in “continuous” violation of these conditions. Save and except that the said conditions are matters of record in the EC dated 22.06.2009, the contents of the said paragraph are denied. In particular:

(i) the Answering Respondent has operated the washery within the EC-sanctioned 13.7 hectares; the temporary holding of coal on Plot No. 54/2180 was neither processing, beneficiation nor any other EC-regulated activity, nor an extension of the project area;

(ii) the washery is and has at all material times remained a zero-discharge unit. No allegation of any liquid effluent discharge from the washery has ever been pleaded, much less substantiated;

(iii) the transportation of coal to the linked PAHD railway siding was, at all material times, carried out under valid e-passes and mining permits issued by the competent authority, including Permit No. 132503477 dated 11.03.2025 and Permit No. 132506902 dated 22.03.2025 and there is no plea or material to suggest that any such transportation was carried out in violation of any closed-system condition;

(iv) the said Application is conspicuously bereft of (a) any ambient air quality measurement, (b) any soil or groundwater sampling result, (c) any fugitive-dust monitoring data, (d) any runoff or surface-water sampling, (e) any inspection or show-cause notice issued by Respondent No. 6 (the State Pollution Control Board, Odisha) under the Air Act, 1981 or the Water Act, 1974 in respect of the matters complained of, and (f) any compliance / non-compliance memorandum issued by Respondent No. 7 (SEIAA, Odisha) under the EIA Notification, 2006. In the absence of any such scientific or regulatory material, the assertion of “continuous



violations” and “deliberate non-compliance” is, with respect, a bare averment based on surmises and conjectures with ulterior motives.

(f) **Allegations of “severe” environmental impact, air pollution and health hazards are unsubstantiated:** The allegations that the alleged stocking has “severely impacted the region’s environment and ecology”, has “caused severe air pollution, degradation of ambient air quality, and health hazards to nearby inhabitants”, are denied. The said Application does not place before this Hon’ble Tribunal any sampling data, ambient air quality measurement, public health record, epidemiological study, or finding of the State Pollution Control Board, the District Environment Office or any independent authority to demonstrate any such impact attributable to the temporary stacking on Plot No. 54/2180. The recital of injury in paragraph 2 of the said order is the case of the Applicant, it is not a finding of this Hon’ble Tribunal, nor is it a measured or scientifically established fact. Such bare averments cannot, in law, ground (i) imposition of environmental compensation under the polluter-pays principle, (ii) constitution of a roving Joint Expert Committee at the threshold, (iii) revocation of Environmental Clearance or Consent to Operate, or (iv) any direction restraining the operation of a unit which is, on the regulatory record, in possession of valid statutory permissions.

(g) **Insinuations of illegal-mining procurement, stock-record manipulation, royalty evasion and “large-scale conspiracy” are baseless and stand affirmatively disproved:** The serial insinuations namely (i) “possible procurement from illegal mining sources”, (ii) “manipulation of stock records”, (iii) “evasion of royalty and other dues”, and (iv) “large-scale conspiracy involving local networks of illegal miners and transporters”, are scandalous, baseless and are emphatically denied. They stand affirmatively disproved by, inter alia: (i) the contemporaneous mining permits and e-passes recording lawful transportation of the washed coal under Permit No. 132503477 dated 11.03.2025 and Permit No. 132506902 dated 22.03.2025; (ii) the



determination, on joint sampling at the Zonal Laboratory, Sambalpur, that the grade of the seized coal (GCV-3112, C-14) is consistent with the grade of coal procured by the Answering Respondent, as recorded in the Office Order dated 08.09.2025; (iii) the release of the seizures by the competent statutory authority on payment of penalty under the OMPTS Rules, 2007, rather than confiscation or prosecution for theft; (iv) the closure of Hemgir P.S. Case No. 143 dated 16.04.2025 (registered under Sections 303(2) / 317(2) / 3(5) of the Bharatiya Nyaya Sanhita read with Section 21 of the MMDR Act, 1957) as a “Mistake of Fact” in the Final Report bearing FR No. 143 dated 28.07.2025 of S.I. M. Sahu (intimated to the Office of the Deputy Director of Mines, Rourkela by letter No. 5150/Hemgir P.S. dated 06.08.2025); and (v) the revocation of the suspension of Mining Licence No. RLD13783/2020 dated 10.06.2020 by Office Order dated 09.07.2025 on payment of penalty. No royalty has been found to be evaded, no stock record has been found to be manipulated, and no “conspiracy” has been identified by any investigating, regulatory or pollution-control agency. The Applicant has placed no FIR (apart from Hemgir P.S. Case No. 143, which stands closed as a “Mistake of Fact”), no charge-sheet, no royalty demand notice and no anti-corruption finding before this Hon’ble Tribunal.

(h) **Reliefs prayed for in paragraph 1 of the order dated 30.03.2026 are misconceived in the absence of any prima facie case on cogent material:** In view of the foregoing, each of the reliefs prayed for in paragraph 1 of the said order, reproduced from the prayer in the said Application are misconceived:

(i) Prayer (I), for constitution of a Joint Expert Committee to assess water, soil and groundwater contamination and to quantify environmental compensation, is itself an admission that no such assessment exists; this Hon’ble Tribunal has, by the order dated 30.03.2026, declined to constitute such a committee at the threshold. The Applicant cannot, by way of a roving committee at the merits stage, be allowed to build a case



which he has failed to lay on cogent material. It is further submitted that, even on a plain reading of the prayer, the proposed inclusion of “Collector, Puri” is wholly inapposite, the alleged site being situated at Village Kanika, Tehsil Hemgir, District Sundargarh, a separate district that is almost about 500 Kilometers away from Puri.

(ii) Prayer (II), for revocation of the Environmental Clearance dated 22.06.2009 and the Consent to Operate, is wholly disproportionate. The competent regulator (Respondent No. 6) has, on its own appreciation of the same factual matrix, issued the Consent to Operate to the Answering Respondent on 25.04.2025, i.e., during the very period of the events complained of valid upto 31.03.2026 which has been subsequently renewed upto 31.03.2030 vide order no. 4581/ IND-I-CON-6640 dated 30.03.2026 by Respondent No. 6 and the Office of the Deputy Director of Mines, Rourkela has chosen to deal with the matter exclusively by way of monetary penalty under the OMPTS Rules, 2007 and the Mining Licence No. RLD13783/2020 dated 10.06.2020 issued by the Office of the Deputy Director of Mines, Rourkela which was valid up to 08.09.2025, for procuring, processing and selling of washed Coal under Pl category of rule 6 & 7 of OMPTS Rules 2007 was subsequently renewed upto 08.09.2030 vide License No.RLD18366/2025 dated 08.09.2025 by Dy. Director Mines, Rourkela. .

(iii) Prayer (III), for imposition of environmental compensation on the Answering Respondent under the Polluter Pays Principle, is premised on “irreparable loss to the environment and ecology” for which no prima facie material has been placed before this Hon’ble Tribunal. The Polluter Pays Principle presupposes a measured polluter and a measured pollution, neither of which is available on the present pleadings nor in any other findings of any authority or agency.

(iv) Prayer (IV), for a direction to authorities not to allow fresh operation of the unit until EC/CTO compliance is ensured and compensation




realised, is misconceived in view of the fact that (a) the suspension of Mining Licence No. RLD13783/2020 dated 10.06.2020 stood revoked by Office Order dated 09.07.2025 on payment of penalty, and (b) the latest Consent to Operate is in force pursuant to grant on 30.03.2026. The Answering Respondent denies that any direction of the nature prayed for is warranted in the facts and circumstances of the present case.

- (i) **Reliance on the news item dated 17.04.2025 is misplaced:** The Applicant has relied, in support of the averments in the said Application, on the News Item published in Indian Express News, Digital Edition, dated 17.04.2025. As submitted in Part I(e) hereinabove, newspaper reports are inadmissible in evidence as proof of their contents and cannot form the basis for any of the reliefs prayed for. The news item dated 17.04.2025 in any event pre-dates the entire regulatory determination by the competent statutory authorities (between 17.05.2025 and 08.09.2025) and the closure of Hemgir P.S. Case No. 143 dated 16.04.2025 as a “Mistake of Fact” by the Final Report dated 28.07.2025, all of which have superseded the position recorded in the news item.
8. Without prejudice to the foregoing, and relying on the preliminary objections and statement of facts in Parts I and II above, the Answering Respondent now deals with the allegations made in the said Application as under:
9. With reference to the contents of paragraphs 1 to 10 of the said Application, it is stated that the contents of paragraph 1 are matters of record. The contents of paragraph 2 are not denied so far as they are matters of record, but the maintainability of the Application is disputed for the reasons set out in Part I above. The contents of paragraph 3 are matters of law and are dealt with on that basis. With reference to paragraph 4, it is denied for want of knowledge that the Applicant is a practicing advocate or environmental activist or that he has filed cases before this Hon’ble Tribunal as alleged or at all. The Applicant is put to strict proof of his credentials and locus. The contents of paragraph 5 are denied. The Answering Respondent has at no material time caused damage



to the environment, land or ecology, and is not liable to any environmental compensation under the "Polluter Pays" principle, as alleged or at all. With reference to paragraph 6, it is emphatically denied that the Answering Respondent operates an "illegal coal stockyard", or that thousands of tonnes of coal have been stored "outside the approved premises" in violation of the Environmental Clearance and the Consent to Operate, as alleged or at all. The factual position is as set out in Part II hereinabove. It is denied that the said stocking continued for "more than three years" as alleged. It is denied that the said stocking has "severely impacted the region's environment and ecology", as alleged or at all. No scientific or sampling data has been placed on record by the Applicant in support of any such conclusion. It is further denied that 10,000 tonnes of "illegally stored coal" was "seized" from the Answering Respondent's washery, as alleged or at all. The actual seizures, as recorded in the official documents of the Office of the Deputy Director of Mines, Rourkela, were of 9,594.426 MT (raw coal) and 44,167.591 MT (washed coal) on the dates and in the circumstances detailed in Part II above. With reference to paragraphs 7 to 9, each and every allegation contrary to or inconsistent with the EC dated 22.06.2009 and the latest Consent to Operate dated 25.04.2025 is denied. The State respondents have, in fact, taken regulatory action under the OMPTS Rules, 2007, which stands fully concluded. The bare assertion that the Answering Respondent has failed to operate high-efficiency bag filters, mist sprays, dust suppression systems, fog cannons or runoff treatment is unsupported by any inspection report, monitoring data, or sampling result, and is therefore denied. The Answering Respondent reserves its right to make detailed submissions on the precise terms of the EC and CTO at the time of hearing. The contents of paragraph 10 are denied. The said allegations are general, vague, unsupported by any monitoring or inspection material, and stand contradicted by the issuance of the latest Consent to Operate by Respondent No. 6 on 25.04.2025.



10. With reference to the contents of paragraphs 11 to 13 of the said Application, it is stated that the contents of paragraph 11 are denied save and except to the

A handwritten signature in blue ink, consisting of several loops and a long horizontal stroke extending to the right.

ACB (INDIA) LIMITED  
HEMGIR  
ORISSA



extent of matters of official record, which records, in any event, do not bear out the case sought to be made out by the Applicant. It is denied that the seized stock represents “non-disclosed” coal as alleged. The Applicant has selectively reproduced parts of the Right to Information replies and has suppressed (i) that the Answering Respondent had explained the temporary stacking on the basis of railway-rake non-availability, fire-risk and operational constraints; (ii) that the same explanation was accepted by the competent authorities under the OMPTS Rules, 2007, with penalty being imposed in lieu of further action; and (iii) that the criminal proceedings registered as Hemgir P.S. Case No. 143 dated 16.04.2025 were eventually closed as a “Mistake of Fact” by Final Report dated 28.07.2025. The bald insinuations of “procurement from illegal mining sources”, “manipulation of stock records”, “evasion of royalty” and “large-scale conspiracy” are scandalous, baseless and stand affirmatively disproved by the joint sampling and grade analysis carried out at the Zonal Laboratory, Sambalpur, which determined the grade of the seized coal (GCV-3112, C-14) to be consistent with the grade of coal procured by the Answering Respondent. The said allegations are accordingly denied in the strongest terms. With reference to paragraph 12, it is stated that the contents of the newspaper report dated 17.04.2025 of “Indian Express News, Digital Edition” are not admitted. Newspaper reports are not admissible as evidence of their contents and cannot be relied upon by the Applicant. In any event, all factual averments contained therein, to the extent that they are inconsistent with the official records of the Office of the Deputy Director of Mines, Rourkela and the closure of the criminal case as a “Mistake of Fact”, are denied. The actions taken by the mining department against the answering respondent was reversed upon making payment of the penalty imposed on the answering respondent by the Mining Department. It is denied that any illegal stock or any illegal coal mining has been unearthed in Hemgiri Block, as alleged. It is denied that the coal was stolen from the nearby legal lease hold mines or that any illegal coal was stacked on the plot of the answering respondent or that the same was gradually processed at the unit as alleged. It is denied that the coal stock remains seized or that any further investigation is underway, as alleged or at all. With reference



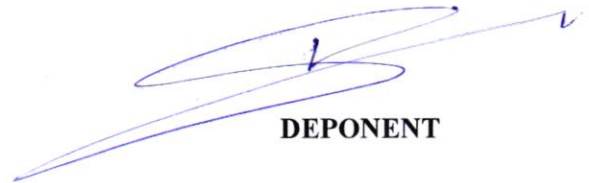
to paragraph 13, it is denied that the State respondents have failed to take action. The regulatory process has, in fact, been carried through to a conclusion. The contents and the inferences sought to be drawn from representation of the Applicant dated 12.12.2025 are denied. The Applicant's assertion of "inaction" is contradicted by the very pleadings of the Applicant, which themselves disclose multiple regulatory steps having already been taken.

11. With reference to the contents of paragraph 14, the Grounds, the Limitation paragraph and the Prayer of the said Application, it is submitted that the answering respondent reserves its right to make appropriate submissions in respect of the purported grounds taken by the applicant. It is stated that the grounds are unsubstantiated, vague and cryptic and the applicant has not made out sufficient grounds warranting interference by this Learned Tribunal. It is submitted that the answering respondent has made an undertaking to comply with all necessary rules and formalities before stacking of washed coal, and all allegation contrary thereto are denied. There is no violation of any law by the answering respondent and no penalty or compensation or liability ought to be imposed upon the answering respondent. It is denied that the application is filed within the limitation or that the cause of action is a continuing cause of action or that the application is filed within the limitation period, as alleged or at all. The cause of action, if any, ceased upon the conclusion of the regulatory and criminal proceedings between May and September 2025. The application suffers from unexplained delay and laches and the same is barred by limitation. As such, the application ought not to be entertained at all by this Hon'ble Tribunal. It is denied that any direction ought to be issued to any Joint expert committee for any purpose whatsoever, as alleged or at all. It is denied that revocation of any licence or clearance of the applicant ought to be done, as alleged or at all. It is denied that any environmental compensation ought to be imposed upon respondent or that any direction ought to be passed on the authorities not to allow fresh operation or that there is any non-compliance of the conditions in the EC or CTO, as alleged or at all. In fact, the Applicant himself concedes, through his very first prayer, that there is no existing



assessment of environmental damage and thus there is no question of imposing any compensation as alleged or at all.

12. In the premises aforesaid and having regard to the facts and circumstances set out hereinabove, the present Application is wholly misconceived, frivolous, vexatious and not maintainable either on facts or in law, and is therefore liable to be dismissed in limine, with exemplary costs being imposed upon the Applicant and made payable to the Answering Respondent, so as to discourage the abuse of the jurisdiction of this Hon'ble Tribunal.
13. The Answering Respondent craves leave of this Hon'ble Tribunal to refer to and rely upon, at the time of hearing, the documents annexed to this Affidavit-in-Opposition (as referred to in Part II hereinabove) and such further documents as the Answering Respondent may be advised to produce.

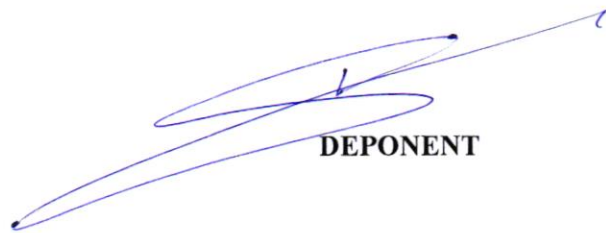
  
**DEPONENT**



**VERIFICATION**

I, the Deponent named hereinabove. Do hereby solemnly affirm, and verify that the contents of the above affidavit are true and correct to the best of my knowledge. No part of it is false and nothing material has been concealed therefrom.

Verified at *Angara* on this *16<sup>th</sup>* day of May, 2026

  
**DEPONENT**



*Pratap Narayan Thakur*  
*16.5.26*  
**PRATAP NARAYAN THAKUR**  
**NOTARY, JHARSUGUDA**  
**REGD. NO. ON-01/13**  
**MOB. No.- 9437345380**

**ACB (INDIA) LIMITED**

Vill.: - Kanika, P.O. - Hemgir Road, Teh.: - Hemgir, Distt. Sundargarh (Odisha) 770075  
Mob.No. 7894417858, Email : pradeep.lodha@acbindia.com

Ref.No: ACBIL/Hemgir/DDM/25-26/013

Dt: April 21, 2025

To  
The Deputy Director of Mines  
Rourkela Circle. Rourkela

Dear Sir,

Sub: Request for grant of permission for quenching the coal kept at outside our Washery area and also to allow liquidating the same.

We would like to inform you that due to shortage of space at our Railway Siding, we have kept a heap of washed coal outside the washery for dispatching the same to the linked consumers subsequently. It is noticed that the above coal heap caught fire, which requires immediate quenching.

In view of the above, it is requested to kindly permit us to quench the fire and also allow us to liquidate the coal for which we shall be grateful to you.

Thanking you,

Yours faithfully

For ACB (INDIA) LIMITED



Authorized Signatory



108  
Annexure "R-2"

28<sup>19</sup>

By e-mail.

OFFICE OF THE DEPUTY DIRECTOR OF MINES, ROURKELA CIRCLE  
ROURKELA.

No. 1348 / Mines, Dt. 24 04.2025.

To

M/s. ACB (India) Ltd.  
At-Kanika, PO: Hemgir,  
District. Sundargarh.

Sub: Physical verification of Washed Coal stock, violation of Orissa Minerals  
(PTSIMRPSTT) Rules, 2007 & its amendment- Seizure of Washed Coal-  
Issue of Show Cause Notice thereof.

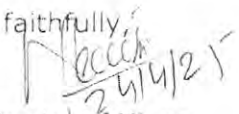
Sir,

In inviting a reference to the subject cited above, I am to inform that while physical stock verification of Washed Coal stock conducted by the Mining Squad on Dt.20.04.2025, it was found that 44167.591 M. T. **Washed Coal** has been stored adjacent and outside of Plant Premises area of ACB(I) Ltd. Washery at Kanika. On interrogation, the Representative stated that they have issued e-passes from Washery to ACB Railway siding at Kanika against the said quantity of Coal for dispatch of same to the siding at Kanika but due to space constraints at the siding they have stored the Coal outside the plant premises, which attracts the provisions of Orissa Minerals (PTSIMRPST&T) Rules, 2007 and its amendment. Therefore, a quantity of 44167.591 M. T. of Coal has been seized by the undersigned.

You are therefore required to Show Cause the circumstances under which you have violated the terms and conditions of the License under Orissa Minerals (PTSIMRPST&T) Rules, 2007 and its amendment within a week from the date of issue of this letter and on failing to comply why action will not be initiated taken as per the prevailing Orissa Minerals Act & Rules.

This may be treated as **Very Urgent**.

Yours faithfully,

  
24/4/25  
Deputy Director of Mines,  
Rourkela.



Ref.No: ACBIL/Hemgir/DDM/25-26/018

Date: April 25, 2025

To  
**The Deputy Director of Mines**  
Rourkela Circle  
Rourkela

Respected Sir,

Sub : **Reply to show cause notice dated 24-04-2025 .**

Kindly refer to your office letter No: 1348/Mines dated 24<sup>th</sup> April, 2025, on the above subject.  
In this connection, our reply is as follows:

1. During the last few months, large quantity of coal was received from Mines of MCL and OCPL against the pending DOs of various linked consumers. The coal was washed and transported to railway siding. Due to non availability of railway rakes commensurate with our daily dispatch requirement washed coal accumulated at railway siding. Due to accumulation of stock at railway siding transportation of washed coal from plant to siding was badly affected resulting in hampering of our plant operation. To cope with this situation we were bound to stock some quantity of washed coal en-route to the siding which belongs to ACBIL.
2. The washed coal was transported from the washery to the railway siding through proper mining permit and pass.
3. Due to inadequate supply of rakes by Railways, there was no alternative for us except to stack the coal at outside washery en-route to siding. We have made several requests to the Railways to supply more rakes for early dispatch of washed coal, but Railway did not supply adequate rakes due to which en-route stock has piled up.
4. The coal was lying in side our washery premises since a long period has come into incubation period and a little spontaneous heating was noticed. In order to save the coal from fire, the same was kept en-route outside and adjacent to the washery premises. This is a operational problem for which we were bound to take this action on temporary basis without any intention to violate any term and condition of Rule 2007.

In view of above submission you are requested to kindly consider above facts and withdraw the show cause notice dated 24/04/2025.

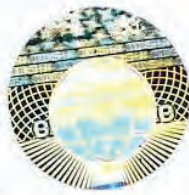
Thanking you,

Yours faithfully

For ACB (INDIA) LIMITED

AUTHORISED SIGNATURE





BY REGD. POST WITH AD

## STATE POLLUTION CONTROL BOARD, ODISHA

[DEPARTMENT OF FOREST, ENVIRONMENT & CLIMATE CHANGE, GOVERNMENT OF ODISHA]

A/118, Nilakantha Nagar, Unit-VIII, Bhubaneswar-751012

Phone-2561909, Fax: 2562822, 2560955 E-mail: [paribesh1@ospcboard.org](mailto:paribesh1@ospcboard.org), Website: [www.ospcboard.org](http://www.ospcboard.org)

### CONSENT ORDER

No. 8244 /

IND-I-CON-6640

Dt. 25.04.2025

**CONSENT ORDER NO. 2853**

**Sub: Consent for discharge of sewage and trade effluent under section 25/26 of Water (PCP) Act, 1974 and for existing / new operation of the plant under section 21 of Air (PCP) Act, 1981.**

**Ref: Your online application No.6048155, Dated 01-01-2025, online reply dated 17-4-2025 and your letter No.ACBI/HMG/ENV/2025-26/009, dated 20-4-2025.**

Consent to operate is hereby granted under section 25/26 of Water (Prevention & Control of Pollution) Act, 1974 and under section 21 of Air (Prevention & Control of Pollution) Act, 1981 and rules framed thereunder to

Name of the Industry: HEMGIRI COAL WASHERY OF M/S. ACB (INDIA) LTD.

Name of the Occupier & Designation: SRI SHYAM SUNDAR VERMA, DIRECTOR

Address: AT: KANIKA, PO: HEMGIRI ROAD, DIST: SUNDARGARH.

This consent order is valid for the period upto 31.03.2026.

#### Details of the Plant

Sl. No.	Type of Plant	Plant Capacity
01	Coal Washery	Throughput Capacity - 5 MTPA

This consent order is valid for the specified outlets, discharge quantity and quality, specified chimney/stack, emission quantity and quality of emissions as specified below. This consent is granted subject to the general and special conditions stipulated therein.



**CONSENT ORDER**  
HEMGIR COAL WASHERY OF M/S. ACB (INDIA) LTD.

Page 2 of 14

**A. Discharge permitted through the following outlet subject to the standard**

Out let No.	Description of outlet	Point of discharge	Quantity of discharge KLD or KL/hr	Prescribed Standard				
				pH	TSS (mg/l)	Oil & Grease (mg/l)	BOD (mg/l)	COD (mg/l)
01	Septic tank outlet (domestic effluent)	Soak pit	--	5.5 to 9.0	200	--	100	--
02	Wastewater generated from the processing units/surfaces run offs	No discharge to outside (100% recycling through storage)						

**B. Emission permitted through the following stack subject to the prescribed standard**

Chimney Stack No.	Description of Stack	Stack height (m)	Quantity of emission	Prescribed Standard		
				PM (mg/Nm <sup>3</sup> )	SO <sub>2</sub>	NO <sub>x</sub>

**C. Disposal of solid waste permitted in the following manner**

Sl. No.	Type of Solid waste	Quantity generated (MTPA)	Quantity to be reused on site (TPD)	Quantity to be reused off site (TPD)	Quantity disposed off (TPD)	Description of disposal site.
01	Low grade coal fines	--	--	--	---	To be sold to outside parties for use as raw material in the Boiler for generation of power.
02	Coal rejects	--	--	--	--	-do-



**D. GENERAL CONDITIONS FOR ALL UNITS**

1. The consent is given by the Board in consideration of the particulars given in the application. Any change or alternation or deviation made in actual practice from the particulars furnished in the application will also be the ground for liable to review/variation/revocation of the consent order under section 27 of the Water (Prevention & Control of Pollution) Act, 1974 and section 21 of Air (Prevention & Control of Pollution) Act, 1981 and to make such variations as deemed fit for the purpose of the Acts.
2. The occupier would immediately submit revised application for consent to operate to this Board in the event of any change in the quantity and quality of raw material / products / manufacturing process or quantity /quality of the effluent rate of emission / air pollution control equipment / system etc.
3. The applicant shall not change or alter either the quality or quantity or the rate of discharge or temperature or the route of discharge without the previous written permission of the Board.
4. The application shall comply with and carry out the directives/orders issued by the Board in this consent order without any negligence on his/her part. In case of non-compliance of any order/directives issued at any time and/or violation of the terms and conditions of this consent order, the applicant shall be liable for legal action as per the provisions of the Law.
5. The applicant shall make an application for grant of fresh consent at least 90 days before the date of expiry of this consent order.
6. The issuance of this consent does not convey any property right in either real or personal property or any exclusive privileges nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of Central, State laws or regulation.
7. This consent does not authorize or approve the construction of any physical structure or facilities or the undertaking of any work in any natural water course.
8. The applicant shall display this consent granted to him in a prominent place for perusal of the public and inspecting officers of this Board.
9. An inspection book shall be opened and made available to Board's Officers during the visit to the factory.
10. The applicant shall furnish to the visiting officer of the Board any information regarding the construction, installation or operation of the plant or of effluent treatment system / air pollution control system / stack monitoring system any other particulars as may be pertinent to preventing and controlling pollution of Water / Air.
11. The applicant shall display suitable caution board at the place where the effluent is entering into any water-body or any other place to be indicated by the Board, indicating therein that the area into which the effluents are being discharged is not fit for the domestic use/bathing.
12. Storm water shall not be allowed to mix with the trade and/or domestic effluent on the upstream of the terminal manholes where the flow measuring devices will be installed.
13. The applicant shall maintain good house-keeping both within the factory and the premises. All pipes, valves, sewers and drains shall be leak-proof. Floor washing shall be admitted into the effluent collection system only and shall not be allowed to find their way in storm drains or open areas.
14. The applicant shall at all times maintain in good working order and operate as efficiently as possible all treatment or control facilities or systems install or used by him to achieve with the term(s) and conditions of the consent.
15. Care should be taken to keep the anaerobic lagoons, if any, biologically active and not utilized as mere stagnation ponds. The anaerobic lagoons should be fed with the required nutrients for effective digestion. Lagoons should be constructed impervious.
16. The utilization of treated effluent on factory's own land, if any, should be completed and there should be no possibility of the effluent gaining access into any drainage channel or other water courses either directly or by overflow.
17. The effluent disposal on land, if any, should be done without creating any nuisance to the surroundings or inundation of the lands at any time.
18. If at any time the disposal of treated effluent on land becomes incomplete or unsatisfactory or create any problem or becomes a matter of dispute, the occupier must adopt alternate satisfactory treatment and disposal measures.
19. The sludge from treatment units shall be dried in sludge drying beds and the drained liquid shall be taken to equalization tank.
20. The effluent treatment units and disposal measures shall become operative at the time of commencement of production.
21. The applicant shall provide port holes for sampling the emissions and access platform for carrying out stack sampling and provide electrical outlet points and other arrangements for chimneys/stacks and other sources of emissions so as to collect samples of emission by the Board or the applicant at any time in accordance with the provision of the Acts or Rules made therein.



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22. The applicant shall provide all facilities and render required assistance to the Board staff for collection of samples / stack monitoring / inspection.
23. The applicant shall not change or alter either the quality or quantity or rate of emission or install, replace or alter the air pollution control equipment or change the raw material or manufacturing process resulting in any change in quality and/or quantity of emissions, without the previous written permission of the Board.
24. No control equipments or chimney shall be altered or replaced or as the case may be erected or re-erected except with the previous approval of the Board.
25. The liquid effluent arising out of the operation of the air pollution control equipment shall be treated in the manner so as to meet the standards prescribed by the Board in accordance with the provisions of Water (Prevention and Control of Pollution) Act, 1974 (as amended).
26. The stack monitoring system employed by the applicant shall be opened for inspection to this Board at any time.
27. There shall not be any fugitive or episodal discharge from the premises.
28. In case of such episodal discharge/emissions the occupier shall take immediate action to bring down the emission within the limits prescribed by the Board and stop the operation of the plant if required. Report of such accidental discharge /emission shall be brought to the notice of the Board within 24 hours of occurrence.
29. The applicant shall keep the premises and air pollution control equipments clean and make all hoods, pipes, valves, stacks/chimneys leak proof. The air pollution control equipments, location, inspection chambers, sampling port holes shall be made easily accessible at all times.
30. Any upset condition in any of the plant/plants of the factory which is likely to result in increased effluent discharge/emission of air pollutants and / or result in violation of the standards mentioned shall be reported to the Headquarters and Regional Office of the Board by E-mail within 2 hours of its occurrence.
31. The occupier has to ensure that minimum three varieties of trees are planted at the density of not less than 1000 trees per acre. The trees may be planted along boundaries of the premises. This plantation is stipulated over and above the bulk plantation of trees in that area.
32. The solid waste such as sweeping, wastage packages, empty containers residues, sludge including that from air pollution control equipments collected within the premises of the shall be disposed off scientifically to the satisfaction of the Board.
33. All solid wastes arising in the premises shall be properly classified and disposed off to the satisfaction of the Board by :
  - i) Land fill in case of inert material, care being taken to ensure that the material does not give rise to leachate which may percolate into ground water or carried away with storm run-off.
  - ii) Controlled incineration, wherever possible in case of combustible organic material.
  - iii) Composting, in case of bio-degradable material.
34. Any toxic material shall be detoxicated if possible, otherwise be sealed in steel drums and buried in protected areas after obtaining approval of this Board in writing. The detoxication or sealing and burying shall be carried out in the presence of Board's authorized persons only. Letter of authorization shall be obtained for handling and disposal of hazardous wastes.
35. If due to any technological improvement or otherwise this Board is of opinion that all or any of the conditions referred to above requires variation (including the change of any control equipment either in whole or in part) this Board shall after giving the applicant an opportunity of being heard, vary all or any of such condition and thereupon the applicant shall be bound to comply with the conditions so varied.
36. The applicant, his/heirs/legal representatives or assignees shall have no claim whatsoever to the condition or renewal of this consent after the expiry period of this consent.
37. The Board reserves the right to review, impose additional conditions or condition, revoke change or alter the terms and conditions of this consent.
38. Notwithstanding anything contained in this conditional letter of consent, the Board hereby reserves to it the right and power under section 27(2) of the Water (Prevention & Control of Pollution) Act, 1974 to review any and/or all the conditions imposed herein above and to make such variations as deemed fit for the purpose of the Act by the Board.
39. The conditions imposed as above shall continue to be in force until revoked under section 27(2) of the Water (Prevention & Control of Pollution) Act, 1974 and section 21 A of Air (Prevention & Control of Pollution) Act, 1981.
40. The occupier shall comply to the conditions stipulated in CTE order issued by Odisha State Pollution Control Board and conditions stipulated in Environmental Clearances issued by MoEF&CC, Govt. of India.
41. The occupier shall abide by E(P) Act, 1986 and Rules framed there-under.
42. In case the consent fee is revised upward during this period, the industry shall pay the differential fees to the Board (for the remaining years) to keep the consent order in force. If they fail to pay the amount within the period stipulated by the Board the consent order will be revoked without prior notice.



**GENERAL CONDITIONS FOR UNITS WITH INVESTMENT OF MORE THAN Rs.50 CRORES, AND 17 CATEGORIES OF HIGHLY POLLUTING INDUSTRIES (RED A).**

1. The applicant shall analyse the emissions every month for the parameters indicated in TABLE. B & C as mentioned in this order and shall furnish the report thereof to the Board by the 10<sup>th</sup> of the succeeding month.
2. The applicant shall provide and maintain at his own cost three ambient air quality monitoring stations for monitoring Suspended Particulate Matter, Sulphur Dioxide, Oxides of Nitrogen, Hydro-Carbon, Carbon-Monoxide and monitor the same once in a day/week/fortnight/month. The data collected shall be maintained in a register and a monthly extract be furnished to the Board.
3. The applicant shall provide and maintain at his own cost a meteorological station to collect the data on wind velocity, direction, temperature, humidity, rainfall, etc. and the daily reading shall be recorded and the extract sent to the Board once in a month.
4. The applicant shall forward the following information to the Member Secretary, State Pollution Control Board, Odisha, Bhubaneswar regularly.
  - a. Report of analysis of stack monitoring, ambient air quality monitoring meteorological data as required every month.
  - b. Progress on planting of trees quarterly.
5. The applicant shall install mechanical composite sampling equipment and continuous flow measuring / recording devices on the effluent drains of trade as well as domestic effluent. A record of daily discharge shall be maintained.
6. The following information shall be forwarded to the Member Secretary on or before 10<sup>th</sup> of every month.
  - a. Performance / progress of the treatment plant.
  - b. Monthly statement of daily discharge of domestic and/or trade effluent.
7. Non-compliance with effluent limitations
  - a) If for any reason the applicant does not comply with or is unable to comply with any effluent limitations specified in this consent, the applicant shall immediately notify the consent issuing authority by telephone and provide the consent issuing authority with the following information in writing within 5 days of such notification.
    - i) Causes of non-compliance
    - ii) A description of the non-compliance discharge including its impact on the receiving waters.
    - iii) Anticipated time of continuance of non-compliance if expected to continue or if such condition has been corrected the duration or period of non-compliance.
    - iv) Steps taken by the applicant to reduce and eliminate the non-complying discharge and
    - v) Steps to be taken by the applicant too prevent the condition of non-compliance.
  - b) The applicant shall take all reasonable steps to minimize any adverse impact to natural waters resulting from non-compliance with any effluent limitation specified in this consent including such accelerated or additional monitoring as necessary to determine the nature and impact of the non-complying discharge.
  - c) Nothing in this consent shall be construed to relieve the applicant from civil or criminal penalties for non-compliance whether or not such non-compliance is due to factors beyond his control, such as break-down, electric failure, accident or natural disaster.
8. The applicant shall at his own cost get the effluent samples collected both before and after treatment and get them analysed at an approval laboratory every month for the parameters indicated in Part-D and shall submit in duplicate the report thereof to the Board.
9. The addition of various treatment chemicals should be done only with mechanical dozers and proper equipment for regulation of correct dosages determined daily and for proper uniform feeding. Crude practices such as dumping of chemicals in drains or sumps or trickling of acids or alkalies arbitrarily and utilizing poles for stirring etc. should not be resorted to.
10. In the disposal of treated effluent on land for irrigation, the industry shall keep in view of the need for;
  - a) Rotation of crops
  - b) Change of point of application of effluent on land
  - c) A portion of land kept fallow.
11. The adoption of these would avoid soil becoming sick or slate, the industry may ensure this in consultation with the Agriculture Department.
12. It is the sole responsibility of the industry to ensure that there are no complaints at any time from the royats in the surrounding areas as a result of discharge of sewage or trade effluent if any.
13. Proper housekeeping shall be maintained by a dedicated team.
14. The industry must constitute a team of responsible and technically qualified personnel who will ensure continuous operation of all pollution control devices round the clock (including night hours) and should be in a position to explain the status of operation of the pollution control measures to the inspecting officers of the Board at any point of time. The name of these persons with their contact telephone numbers shall be intimated to the concerned. Regional Officer and Head Office of the Board and in case of any change in the team it shall be intimated to the Board immediately.



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**E. SPECIAL CONDITIONS:**

- (I) 1. Dust suppression arrangement shall be provided on haul road and other working areas by using water sprinklers for control of dust emission.
  2. The industry shall provide dust extraction system or dust suppression system, preferably dry fog system at all strategic dust generation points such as loading and unloading points, all transfer points, conveyers etc. to suppress the dust.
  3. Fine atomizer nozzles arrangements for spraying of water shall be provided around coal stack yard and around the crusher / pulverizes to suppress the fugitive dust emission. All the conveyor transfer points shall be provided with enclosures.
  4. The industry shall provide instant shower system at the entrance of the plant in order to make the coal wet before its feeding into the receiving hopper.
  5. Adequate measures shall be taken for control of noise levels in the work environment of plant area so that the noise levels at the boundary of the premises shall not exceed 75dB(A) during day time (6 AM to 10 PM) and 70 dB(A) during night time(10 PM to 6 AM).
  6. The ambient air quality shall remain within prescribed national ambient air quality standards.
  7. Adequate ambient air quality monitoring stations (four numbers) shall be established for monitoring PM<sub>10</sub>, PM<sub>2.5</sub>, SO<sub>2</sub>, NO<sub>x</sub>. Location of the stations should be decided based on the meteorological data, topographical features and environmentally and ecologically sensitive targets and frequency for monitoring should be undertaken in consultation with the State Pollution Control Board.
  8. Monitoring data on ambient air quality and noise quality shall be submitted to the Board once in six months. Electronic display board shall be installed at the main gate of the plant for displaying the ambient air quality and noise monitoring data etc.
  9. The height of the stack connected to DG sets of capacity more than 800 KW (1000 KVA) shall conform to the following:
    - i)  $14Q^{0.3}$ , Q = Total SO<sub>2</sub> emission from the plant in kg/hr.
    - ii) Minimum 6m. above the building where generator set is installed.
    - iii) 30 m.
  10. The height of the stack connected to DG set of capacity less than and upto 800 KW (1000 KVA) shall conform to the following:
-



- i)  $H = h + 0.2\sqrt{KVA}$
  - ii)  $h$  = Height of the building where it is installed in meter
  - iii)  $KVA$  = Capacity of DG set
  - iv)  $H$  = Height of the stack in meter above ground level.
11. All DG sets installed before 1.7.2004 shall be scrapped. DG sets complying with either State-I or Stage-II emission norms shall reduce Particulate Matter Emission by 70% by installing RECD without affecting any other emission parameters as per the CPCB guidelines and Board's letter vide No.17927, dated 14.11.2023 and letter No.7146, dated 10.05.2024, in this regard.
  12. Appropriate preventive measures shall be taken for control of fire hazards at coal handling area.
  13. The industry shall provide garland drains around the plant boundary followed by settling pit in order to prevent direct discharge of washings to outside. Water from the settling pit shall be completely reused for plantation activity or process activity.
  14. The industry shall provide internal drains inside the plant for collection of surface runoff and it shall be used for plantation or process activity.
  15. Under no circumstances the industry shall discharge any wastewater to outside.
  16. Domestic wastewater shall be discharged to soak pit via septic tank constructed as per BIS specification.
  17. The washery rejects / coal rejects shall be sold to outside parties for use in any thermal power plants complying with the stipulated emission and fly ash norms as specified in Ministry of Environment, Forest and Climate Change Notification Number S.O.3305(E) dated the 7<sup>th</sup> December, 2015, read with the notification number S.O.763 (E), dated the 14<sup>th</sup> September, 1999 and its amendments [vide numbers S.O.979 (E), dated the 27<sup>th</sup> August, 2003, S.O. 2804 (E), dated 3rd November, 2009 and S.O. 254 (E), dated 25<sup>th</sup> January, 2016] and related subsequent notification and amendments issued from time to time". The details of disposal of coal rejects shall be submitted on annual basis in enclosed Format I & II.
  18. A quarterly report on the quantity and name of the power plants to whom the coal rejects are sent, shall be furnished to the Board for record.
  19. The unit shall submit the environment statement in the prescribed format every year.
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**CONSENT ORDER**  
**HEMGIR COAL WASHERY OF M/S. ACB (INDIA) LTD.**

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20. The unit shall submit a declaration by 30<sup>th</sup> of April every year that all pollution control systems are in good condition and operated & air quality, noise quality as well as wastewater quality confirm to the prescribed standards.

**(II) ADDITIONAL SPECIAL CONDITIONS AS PER MoEF&CC Letter No.J-11015/67/2013-IA.II(M), dated 22.02.2022 and J-11015/925/2007-IA.II(M), dated 17.04.2025.**

1. Ambient Air Quality (AAQ) and Noise quality data along the entire coal transportation route shall be monitored and the data shall be submitted along with the six-monthly compliance to the concerned Regional Office and also kept on the web portal of the company.
  2. Proponent shall comply with all the recommendations of the traffic impact assessment report submitted. Compliance in this regard shall be submitted along with the six-monthly compliance to the concerned Regional Office and also kept on the web portal of the company.
  3. Three tier plantation plan submitted by the proponent for both the sides of the proposed conveyor belt from washery to railway siding shall be implemented and plantation for this year shall be completed during the monsoon season of 2025. In addition to this, PP shall provide 50,000 plant saplings with 4 feet tall fruit bearing plants to farmers for plantation in barren and agriculture lands in the study area every year for 5 years with incentive to improve the green cover in and around the washery area.
  4. Project Proponent shall adopt wildlife protection measures including creating awareness among the drivers, sensitizing the drivers about prevention of road kills and handling of wildlife encounters while driving through forest areas and speed governors must be installed in the coal transporting trucks/dumpers.
  5. The continuous ambient air quality monitoring station installed in consultation with OSPCB, shall be commissioned by April, 2025 for monitoring the common/criteria pollutants such as PM<sub>10</sub>, PM<sub>2.5</sub>, SO<sub>2</sub>, NO<sub>x</sub> as committed. The real time data so generated shall be uploaded on company website and linked it with website of CPCB & SPCB. In addition, data should also be displayed digitally at entry and exit gate of coal washery for public display.
  6. Road inside and at periphery of Washery plant shall be constructed of concrete only.
-



7. Belt conveyer system shall be installed to transport washed/raw coal by 31.03.2027.
  8. Transportation of rejects shall only be in 40 to 50 tonne trucks only if railway siding is not present at utilization points. If railway siding is available upto FBC Power Plants/ Thermal Power Plants, then no transportation shall be allowed by trucks.
  9. Transport of raw coal, clean coal and middling shall be by rail/road (in 40-50 tonnes dumpers only). Washed coal will be transported through private railway siding.
  10. Raw coal, washed coal and rejects shall be stored in covered silos facility. Fixed type high pressure sprinkler shall be installed in this storage yards.
  11. 5 nos. long ranging fog canon system (mist spraying) shall be installed to reduce the impact of air pollution on transportation route and Railway siding.
  12. Project Proponent shall comply 33% of the green belt plantation with trees within the plant boundary and plan of action to be submitted to Regional office of Ministry within six months. Accordingly, three Tier Green belt developments (of 50 mtrs width) in and around the periphery of washery within 3 years.
  13. Wildlife conservation plan for schedule I species in EIA report with allocated fund shall be submitted to State Forest Department. Fund allocated for this purpose shall also submitted within six months and a copy of receiving to be submitted to Ministry Regional office within three months.
  14. No Untreated wastewater should be discharged to the natural stream/water body and Water requirement for coal washery operations should not exceed 1200 KLD.
  15. High efficiency centrifuge, belt press filter, high frequency screening, and thickener shall be installed to separate coal fines and maximize water recovery.
  16. Third party monitoring by reputed institute for air quality shall be carried out at identified locations, both ambient and the process area, to arrive the impact at regular interval of 3 years.
  17. Surface runoff from Storage yard of Coal, reject dumps shall be stored in settling tank and later treated before any usage and quality shall be checked frequently.
  18. Persons of nearby villages shall be given training on livelihood and skill development to make them employable.
  19. Proper roads, toilets facilities, plantation, solar lights, drinking water facilities, stationaries shall be provided to nearby villages, school and colleges.
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20. Wind barrier of atleast 10 mtr shall be provided along the boundary mainly where habitation is present to mitigate air pollution.
21. Project Proponent should establish in house (at project site) environment laboratory for measurement of environment parameter with respect to air quality and water (surface and ground. A dedicated team to oversee environment management shall be setup which should comprise of Environment Engineers, Laboratory chemist and staff for monitoring of air, water quality parameters on routine basis.

*Ok*  
*25/1/25*

**CHIEF ENV. ENGINEER (M)**  
**STATE POLLUTION CONTROL BOARD, ODISHA**

TO,

**SRI SHYAM SUNDAR VERMA, DIRECTOR,**  
**HEMGIRI COAL WASHERY OF M/S. ACB (INDIA) LIMITED,**  
**AT: KANIKA, PO: HEMGIRI ROAD,**  
**DIST: SUNDARGARH, ODISHA, PIN-770075**

Memo No. \_\_\_\_\_ /Dated \_\_\_\_\_ /

*Copy forwarded to :*

- i) Regional Officer, State Pollution Control Board, **Jharsuguda**
- ii) District Collector, **Sundargarh**
- iii) Director of Mines, Govt. of Odisha, Bhubaneswar
- iv) Director, Environment-cum-Special Secretary, F, E & CC Deptt., Govt. of Odisha, Bhubaneswar.
- v) D.F.O, **Sundargarh**
- vi) Deputy Director of Mines, **Rourkela**
- vii) Chief Env. Scientist, Central Lab. SPCB, Bhubaneswar
- viii) Addl. Chief Env. Engineer, (Hazardous Waste Cell, Head Office)
- ix) Consent Register

**ADDL. CHIEF ENV. ENGINEER**  
**STATE POLLUTION CONTROL BOARD, ODISHA**



**GENERAL STANDARDS FOR DISCHARGE OF  
ENVIRONMENTAL POLLUTANTS**

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**GENERAL STANDARDS FOR DISCHARGE OF  
ENVIRONMENTAL POLLUTANTS PART – A : EFFLUENTS**

Sl. No.	Parameters	Prescribed Standards			
		Inland surface	Public sewers	Land for irrigation	Marine Costal Areas
		(a)	(b)	(c)	(d)
1.	Colour & odour	Colourless/ Odourless as far as practicable	--	See 6 of Annex-1	See 6 of Annex-1
2.	Suspended Solids (mg/l)	100	600	200	a. For process wastewater – 100 b. For cooling water effluent 10% above total suspended matter of influent.
3.	Particular size of SS	Shall pass 850	--	--	--
5.	pH value	5.5 to 9.0	5.5 to 9.0	5.5 to 9.0	5.5 to 9.0
6.	Temperature	Shall not exceed 5 <sup>0</sup> C above the receiving water temperature	--	--	Shall not exceed 5 <sup>0</sup> C above the receiving water temperature
7.	Oil & Grease mg/l max.	10	20	10	20
8.	Total residual chlorine	1.0	--	--	1.0
9.	Ammonical nitrogen (as N) mg/l max.	50	50	--	50
10.	Total Kjeldahl nitrogen (as NH <sub>3</sub> ) mg/1 max.	100	--	--	100
11.	Free ammonia (as NH <sub>3</sub> ) mg/1 max.	5.0	--	--	5.0
12.	Biochemical Oxygen Demand (5 days at 20 <sup>0</sup> C) mg/1 max.	30	350	100	100
13.	Chemical Oxygen Demand, mg/1 max.	250	--	--	250
14.	Arsenic (as As) mg/1 max.	0.2	0.2	0.2	0.2
15.	Mercury (as Hg) mg/1 max.	0.01	0.01	--	0.001
16.	Lead (as pb) mg/1 max.	01.	1.0	--	2.0



Sl. No.	Parameters	Prescribed Standards			
		Inland surface	Public sewers	Land for irrigation	Marine Costal Areas
		(a)	(b)	(c)	(d)
17.	Cardmium (as Cd) mg/1 max.	2.0	1.0	--	2.0
18.	Hexavalent Chromium (as Cr + 6) mg/l max.	0.1	2.0	--	1.0
19.	Total Chromium (as Cr) mg/l max.	2.0	2.0	--	2.0
20.	Copper (as Cu) mg/l max.	3.0	3.0	--	3.0
21.	Zinc (as Zn) mg/l max.	5.0	15	--	15
22.	Selenium (as Sc) mg/l max.	0.05	0.05	--	0.05
23.	Nickel (as Nil) mg/l max.	3.0	3.0	--	5.0
24.	Cyanide (as CN) mg/l max.	0.2	2.0	0.2	0.02
25.	Fluoride (as F) mg/l max.	2.0	15	--	15
26.	Dissolved Phosphates (as P) mg/l max.	5.0	--	--	--
27.	Sulphide (as S) mg/l max.	2.0	--	--	5.0
28.	Phennolic compounds as (C <sub>6</sub> H <sub>5</sub> OH) mg/l max.	1.0	5.0	--	5.0
29.	Radioactive materials				
	a. Alpha emitter micro curle/ml.	10 <sup>7</sup>	10 <sup>7</sup>	10 <sup>8</sup>	10 <sup>7</sup>
	b. Beta emitter micro curle/ml.	10 <sup>6</sup>	10 <sup>6</sup>	10 <sup>7</sup>	10 <sup>6</sup>
30.	Bio-assay test	90% survival of fish after 96 hours in 100% effluent	90% survival of fish after 96 hours in 100% effluent	90% survival of fish after 96 hours in 100% effluent	90% survival of fish after 96 hours in 100% effluent
31	Manganese (as Mn)	2 mg/l	2 mg/l	--	2 mg/l
32.	Iron (Fe)	3 mg/l	3 mg/l	--	3 mg/l
33.	Vanadium (as V)	0.2 mg/l	0.2 mg/l	--	0.2 mg/l
34.	Nitrate Nitrogen	10 mg/l	--	--	20 mg/l



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### NATIONAL AMBIENT AIR QUALITY STANDARDS

Sl. No.	Pollutants	Time Weighed Average	Concentrate of Ambient Air		
			Industrial Residential, Rural and other Area	Ecologically Sensitive Area (notified by Central Government)	Methods of Measurement
(1)	(2)	(3)	(4)	(5)	(6)
1.	Sulphur Dioxide (SO <sub>2</sub> ), µg/m <sup>3</sup>	Annual * 24 Hours **	50 80	20 80	-Improved west and Gaeke  - Ultraviolet fluorescence
2.	Nitrogen Dioxide (NO <sub>2</sub> ), µg/m <sup>3</sup>	Annual * 24 Hours **	40 80	30 80	- Modified Jacob & Hochheiser ( Na-Arsenite) - Chemiluminescence
3.	Particulate Matter (size less than 10µm) or PM <sub>10</sub> µg/m <sup>3</sup>	Annual * 24 Hours **	60 100	60 100	-Gravimetric - TOEM - Beta Attenuation
4.	Particulate Matter (size less than 2.5µm) or PM <sub>2.5</sub> µg/m <sup>3</sup>	Annual * 24 Hours **	40 60	40 60	-Gravimetric - TOEM - Beta Attenuation
5.	Ozone (O <sub>3</sub> ) µg/m <sup>3</sup>	8 Hours ** 1 Hours **	100 180	100 180	- UV Photometric - Chemiluminescence - Chemical Method
6.	Lead (Pb) µg/m <sup>3</sup>	Annual * 24 Hours **	0.50 1.0	0.50 1.0	-AAS/ICP method after sampling on EMP 2000 or equivalent filter paper. - ED-XRF using Teflon filter
7.	Carbon Monoxide (CO) mg/m <sup>3</sup>	8 Hours ** 1 Hours **	02 04	02 04	- Non Dispersive Infra Red (NDIR) Spectroscopy
8.	Ammonia (NH <sub>3</sub> ) µg/m <sup>3</sup>	Annual* 24 Hours**	100 400	100 400	-Chemiluminescence - Indophenol Blue Method
9.	Benzene (C <sub>6</sub> H <sub>6</sub> ) µg/m <sup>3</sup>	Annual *	05	05	-Gas Chromatography based continuous analyzer - Adsorption and Desorption followed by GC analysis
10.	Benzo (a) Pyrene (BaP)-Particulate phase only, ng/m <sup>3</sup>	Annual*	01	01	-Solvent extraction followed by HPLC/GC analysis
11.	Arsenic (As), ng/m <sup>3</sup>	Annual*	06	06	-AAS/ICP method after sampling on EPM 2000 or equivalent filter paper
12.	Nickel (Ni),ng/m <sup>3</sup>	Annual*	20	20	-AAS/ICP method after sampling on EPM 2000 or equivalent filter paper

\* Annual arithmetic mean of minimum 104 measurements in a year at a particular site taken twice a week 24 hourly at uniform intervals.

\*\* 24 hourly or 08 hourly or 01 hourly monitored values, as applicable, shall be complied with 98% of the time in a year, 2% of the time, they may exceed the limits but not on two consecutive days of monitoring.



**Annexure-I**

**Annual Returns of Coal Washery**

Name:

Location:

Capacity:

Consent Order No:

Valid upto :

Period for which return is submitted for the Financial Year \_\_\_\_\_

1.	Quantity of raw coal received (MT)			
2.	Quantity of washed coal dispatched (MT)	<b>By road</b>	<b>By rail</b>	<b>Total</b>
3.	Quantity of unutilised washed coal of previous year (MT)			
4.	Quantity of Middlings & Rejects generated in current FY (MT)			
5.	Quantity of unutilised Middlings & Rejects accumulated in previous year (MT)			
	<b>Total</b>			
6.	Quantity of Middlings & Rejects despatched to power plant (MT)			
7.	Quantity of Middlings & Rejects despatched to other unit (MT)			
	<b>Total</b>			
	Remaining Middlings & Rejects stored in premises (MT)			

**DECLARATION**

I, do hereby declare that all the statements made and information furnished in the format are true to best of knowledge. I understand that it is an offense to make false statement and information in the above format is punishable under the provisions of Section-42(1)(f) of Water (PCP) Act, 1974.

**SIGNATURE**

---



**CONSENT ORDER**  
**HEMGIR COAL WASHERY OF M/S. ACB (INDIA) LTD.**

**Annexure-II**

**Details of Coal Rejects and Middlings Supplied to Thermal Power Plants**

Name:

Location:

Capacity:

Consent Order No:

Valid upto :

Period for which return is submitted for the Financial Year \_\_\_\_\_

Sl. No.	Name of the Thermal Power Plant	Location	Capacity of Power Plant (MW)	Quantity Supplied (MT)	Mode of Transportation (Rail / Road / Other)
1.					
2.					
3.					
4.					
5.					

**DECLARATION**

I, do hereby declare that all the statements made and information furnished in the format are true to best of knowledge. I understand that it is an offense to make false statement and information in the above format is punishable under the provisions of Section-42(1)(f) of Water (PCP) Act, 1974.

**Validity unknown**

Digitally Signed by **SIGNATURE**  
:Subhasmita Mallick

Date: 2025.04.25 18:43:07 IST



## CONSENT ORDER

Page 1 of 14

BY REGD. POST WITH AD

**STATE POLLUTION CONTROL BOARD, ODISHA**

[DEPARTMENT OF FOREST, ENVIRONMENT &amp; CLIMATE CHANGE, GOVERNMENT OF ODISHA]

A/118, Nilakantha Nagar, Unit-VIII, Bhubaneswar-751012

Phone-2561909, Fax: 2562822, 2560955 E-mail: [consent4@ospboard.org](mailto:consent4@ospboard.org), Website: [www.ospboard.org](http://www.ospboard.org)**CONSENT ORDER**No. 4581 /

IND-I-CON-6640

Dt. 30.03.2026 /**CONSENT ORDER NO. 2853**

Sub: **Consent for discharge of sewage and trade effluent under section 25/26 of Water (PCP) Act, 1974 and for existing / new operation of the plant under section 21 of Air (PCP) Act, 1981.**

Ref: **Your online application No.7160142, Dated 25-12-2025.**

Consent to operate is hereby granted under section 25/26 of Water (Prevention & Control of Pollution) Act, 1974 and under section 21 of Air (Prevention & Control of Pollution) Act, 1981 and rules framed thereunder to

Name of the Industry: **HEMGIRI COAL WASHERY OF M/S. ACB (INDIA) LTD.**

Name of the Occupier & Designation: **SRI HARINDER MOHAN JAIN, DIRECTOR**

Address: **AT: KANIKA, PO: HEMGIRI ROAD, DIST: SUNDARGARH.**

This consent order is valid for the period from **01.04.2026 to 31.03.2030.**

**Details of the Plant**

Sl. No.	Type of Plant	Plant Capacity
01	Coal Washery	Throughput Capacity - 5 MTPA

This consent order is valid for the specified outlets, discharge quantity and quality, specified chimney/stack, emission quantity and quality of emissions as specified below. This consent is granted subject to the general and special conditions stipulated therein.



## CONSENT ORDER

Page 2 of 14

A. Discharge permitted through the following outlet subject to the standard

Out let No.	Description of outlet	Point of discharge	Quantity of discharge KLD or KL/hr	Prescribed Standard				
				pH	TSS (mg/l)	Oil & Grease (mg/l)	BOD (mg/l)	COD (mg/l)
01	Septic tank outlet (domestic effluent)	Soak pit	--	5.5 to 9.0	200	--	100	--
02	Wastewater generated from the processing units/surfaces run offs	No discharge to outside (100% recycling through storage)						

B. Emission permitted through the following stack subject to the prescribed standard

Chimney Stack No.	Description of Stack	Stack height (m)	Quantity of emission	Prescribed Standard		
				PM (mg/Nm <sup>3</sup> )	SO <sub>2</sub>	NO <sub>x</sub>

C. Disposal of solid waste permitted in the following manner

Sl. No.	Type of Solid waste	Quantity generated (MTPA)	Quantity to be reused on site (TPD)	Quantity to be reused off site (TPD)	Quantity disposed off (TPD)	Description of disposal site.
01	Low grade coal fines	--	--	--	---	To be sold to outside parties for use as raw material in the Boiler for generation of power.
02	Coal rejects	--	--	--	--	-do-



## CONSENT ORDER

Page 3 of 14

**D. GENERAL CONDITIONS FOR ALL UNITS**

1. The consent is given by the Board in consideration of the particulars given in the application. Any change or alternation or deviation made in actual practice from the particulars furnished in the application will also be the ground for liable to review/variation/revocation of the consent order under section 27 of the Water (Prevention & Control of Pollution) Act, 1974 and section 21 of Air (Prevention & Control of Pollution) Act, 1981 and to make such variations as deemed fit for the purpose of the Acts.
  2. The occupier would immediately submit revised application for consent to operate to this Board in the event of any change in the quantity and quality of raw material / products / manufacturing process or quantity /quality of the effluent rate of emission / air pollution control equipment / system etc.
  3. The applicant shall not change or alter either the quality or quantity or the rate of discharge or temperature or the route of discharge without the previous written permission of the Board.
  4. The application shall comply with and carry out the directives/orders issued by the Board in this consent order without any negligence on his/her part. In case of non-compliance of any order/directives issued at any time and/or violation of the terms and conditions of this consent order, the applicant shall be liable for legal action as per the provisions of the Law.
  5. The applicant shall make an application for grant of fresh consent at least 90 days before the date of expiry of this consent order.
  6. The issuance of this consent does not convey any property right in either real or personal property or any exclusive privileges nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of Central, State laws or regulation.
  7. This consent does not authorize or approve the construction of any physical structure or facilities or the undertaking of any work in any natural water course.
  8. The applicant shall display this consent granted to him in a prominent place for perusal of the public and inspecting officers of this Board.
  9. An inspection book shall be opened and made available to Board's Officers during the visit to the factory.
  10. The applicant shall furnish to the visiting officer of the Board any information regarding the construction, installation or operation of the plant or of effluent treatment system / air pollution control system / stack monitoring system any other particulars as may be pertinent to preventing and controlling pollution of Water / Air.
  11. The applicant shall display suitable caution board at the place where the effluent is entering into any water-body or any other place to be indicated by the Board, indicating therein that the area into which the effluents are being discharged is not fit for the domestic use/bathing.
  12. Storm water shall not be allowed to mix with the trade and/or domestic effluent on the upstream of the terminal manholes where the flow measuring devices will be installed.
  13. The applicant shall maintain good house-keeping both within the factory and the premises. All pipes, valves, sewers and drains shall be leak-proof. Floor washing shall be admitted into the effluent collection system only and shall not be allowed to find their way in storm drains or open areas.
  14. The applicant shall at all times maintain in good working order and operate as efficiently as possible all treatment or control facilities or systems install or used by him to achieve with the term(s) and conditions of the consent.
  15. Care should be taken to keep the anaerobic lagoons, if any, biologically active and not utilized as mere stagnation ponds. The anaerobic lagoons should be fed with the required nutrients for effective digestion. Lagoons should be constructed impervious.
  16. The utilization of treated effluent on factory's own land, if any, should be completed and there should be no possibility of the effluent gaining access into any drainage channel or other water courses either directly or by overflow.
  17. The effluent disposal on land, if any, should be done without creating any nuisance to the surroundings or inundation of the lands at any time.
  18. If at any time the disposal of treated effluent on land becomes incomplete or unsatisfactory or create any problem or becomes a matter of dispute, the occupier must adopt alternate satisfactory treatment and disposal measures.
  19. The sludge from treatment units shall be dried in sludge drying beds and the drained liquid shall be taken to equalization tank.
  20. The effluent treatment units and disposal measures shall become operative at the time of commencement of production.
  21. The applicant shall provide port holes for sampling the emissions and access platform for carrying out stack sampling and provide electrical outlet points and other arrangements for chimneys/stacks and other sources of emissions so as to collect samples of emission by the Board or the applicant at any time in accordance with the provision of the Acts or Rules made therein.
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## CONSENT ORDER

22. The applicant shall provide all facilities and render required assistance to the Board staff for collection of samples / stack monitoring / inspection.
  23. The applicant shall not change or alter either the quality or quantity or rate of emission or install, replace or alter the air pollution control equipment or change the raw material or manufacturing process resulting in any change in quality and/or quantity of emissions, without the previous written permission of the Board.
  24. No control equipments or chimney shall be altered or replaced or as the case may be erected or re-erected except with the previous approval of the Board.
  25. The liquid effluent arising out of the operation of the air pollution control equipment shall be treated in the manner so as to meet the standards prescribed by the Board in accordance with the provisions of Water (Prevention and Control of Pollution) Act, 1974 (as amended).
  26. The stack monitoring system employed by the applicant shall be opened for inspection to this Board at any time.
  27. There shall not be any fugitive or episodal discharge from the premises.
  28. In case of such episodal discharge/emissions the occupier shall take immediate action to bring down the emission within the limits prescribed by the Board and stop the operation of the plant if required. Report of such accidental discharge /emission shall be brought to the notice of the Board within 24 hours of occurrence.
  29. The applicant shall keep the premises and air pollution control equipments clean and make all hoods, pipes, valves, stacks/chimneys leak proof. The air pollution control equipments, location, inspection chambers, sampling port holes shall be made easily accessible at all times.
  30. Any upset condition in any of the plant/plants of the factory which is likely to result in increased effluent discharge/emission of air pollutants and / or result in violation of the standards mentioned shall be reported to the Headquarters and Regional Office of the Board by E-mail within 2 hours of its occurrence.
  31. The occupier has to ensure that minimum three varieties of trees are planted at the density of not less than 1000 trees per acre. The trees may be planted along boundaries of the premises. This plantation is stipulated over and above the bulk plantation of trees in that area.
  32. The solid waste such as sweeping, wastage packages, empty containers residues, sludge including that from air pollution control equipments collected within the premises of the shall be disposed off scientifically to the satisfaction of the Board.
  33. All solid wastes arising in the premises shall be properly classified and disposed off to the satisfaction of the Board by :
    - i) Land fill in case of inert material, care being taken to ensure that the material does not give rise to leachate which may percolate into ground water or carried away with storm run-off.
    - ii) Controlled incineration, wherever possible in case of combustible organic material.
    - iii) Composting, in case of bio-degradable material.
  34. Any toxic material shall be detoxicated if possible, otherwise be sealed in steel drums and buried in protected areas after obtaining approval of this Board in writing. The detoxication or sealing and burying shall be carried out in the presence of Board's authorized persons only. Letter of authorization shall be obtained for handling and disposal of hazardous wastes.
  35. If due to any technological improvement or otherwise this Board is of opinion that all or any of the conditions referred to above requires variation (including the change of any control equipment either in whole or in part) this Board shall after giving the applicant an opportunity of being heard, vary all or any of such condition and thereupon the applicant shall be bound to comply with the conditions so varied.
  36. The applicant, his/heirs/legal representatives or assignees shall have no claim whatsoever to the condition or renewal of this consent after the expiry period of this consent.
  37. The Board reserves the right to review, impose additional conditions or condition, revoke change or alter the terms and conditions of this consent.
  38. Notwithstanding anything contained in this conditional letter of consent, the Board hereby reserves to it the right and power under section 27(2) of the Water (Prevention & Control of Pollution) Act, 1974 to review any and/or all the conditions imposed herein above and to make such variations as deemed fit for the purpose of the Act by the Board.
  39. The conditions imposed as above shall continue to be in force until revoked under section 27(2) of the Water (Prevention & Control of Pollution) Act, 1974 and section 21 A of Air (Prevention & Control of Pollution) Act, 1981.
  40. The occupier shall comply to the conditions stipulated in CTE order issued by Odisha State Pollution Control Board and conditions stipulated in Environmental Clearances issued by MoEF&CC, Govt. of India.
  41. The occupier shall abide by E(P) Act, 1986 and Rules framed there-under.
  42. In case the consent fee is revised upward during this period, the industry shall pay the differential fees to the Board (for the remaining years) to keep the consent order in force. If they fail to pay the amount within the period stipulated by the Board the consent order will be revoked without prior notice.
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## CONSENT ORDER

Page 5 of 14

### GENERAL CONDITIONS FOR UNITS WITH INVESTMENT OF MORE THAN Rs.50 CRORES, AND 17 CATEGORIES OF HIGHLY POLLUTING INDUSTRIES (RED A).

1. The applicant shall analyse the emissions every month for the parameters indicated in TABLE. B & C as mentioned in this order and shall furnish the report thereof to the Board by the 10<sup>th</sup> of the succeeding month.
  2. The applicant shall provide and maintain at his own cost three ambient air quality monitoring stations for monitoring Suspended Particulate Matter, Sulphur Dioxide, Oxides of Nitrogen, Hydro-Carbon, Carbon-Monoxide and monitor the same once in a day/week/fortnight/month. The data collected shall be maintained in a register and a monthly extract be furnished to the Board.
  3. The applicant shall provide and maintain at his own cost a meteorological station to collect the data on wind velocity, direction, temperature, humidity, rainfall, etc. and the daily reading shall be recorded and the extract sent to the Board once in a month.
  4. The applicant shall forward the following information to the Member Secretary, State Pollution Control Board, Odisha, Bhubaneswar regularly.
    - a. Report of analysis of stack monitoring, ambient air quality monitoring meteorological data as required every month.
    - b. Progress on planting of trees quarterly.
  5. The applicant shall install mechanical composite sampling equipment and continuous flow measuring / recording devices on the effluent drains of trade as well as domestic effluent. A record of daily discharge shall be maintained.
  6. The following information shall be forwarded to the Member Secretary on or before 10<sup>th</sup> of every month.
    - a. Performance / progress of the treatment plant.
    - b. Monthly statement of daily discharge of domestic and/or trade effluent.
  7. Non-compliance with effluent limitations
    - a) If for any reason the applicant does not comply with or is unable to comply with any effluent limitations specified in this consent, the applicant shall immediately notify the consent issuing authority by telephone and provide the consent issuing authority with the following information in writing within 5 days of such notification.
      - i) Causes of non-compliance
      - ii) A description of the non-compliance discharge including its impact on the receiving waters.
      - iii) Anticipated time of continuance of non-compliance if expected to continue or if such condition has been corrected the duration or period of non-compliance.
      - iv) Steps taken by the applicant to reduce and eliminate the non-complying discharge and
      - v) Steps to be taken by the applicant too prevent the condition of non-compliance.
    - b) The applicant shall take all reasonable steps to minimize any adverse impact to natural waters resulting from non-compliance with any effluent limitation specified in this consent including such accelerated or additional monitoring as necessary to determine the nature and impact of the non-complying discharge.
    - c) Nothing in this consent shall be construed to relieve the applicant from civil or criminal penalties for non-compliance whether or not such non-compliance is due to factors beyond his control, such as break-down, electric failure, accident or natural disaster.
  8. The applicant shall at his own cost get the effluent samples collected both before and after treatment and get them analysed at an approval laboratory every month for the parameters indicated in Part-D and shall submit in duplicate the report thereof to the Board.
  9. The addition of various treatment chemicals should be done only with mechanical dozers and proper equipment for regulation of correct dosages determined daily and for proper uniform feeding. Crude practices such as dumping of chemicals in drains or sumps or trickling of acids or alkalies arbitrarily and utilizing poles for stirring etc. should not be resorted to.
  10. In the disposal of treated effluent on land for irrigation, the industry shall keep in view of the need for;
    - a) Rotation of crops
    - b) Change of point of application of effluent on land
    - c) A portion of land kept fallow.
  11. The adoption of these would avoid soil becoming sick or slate, the industry may ensure this in consultation with the Agriculture Department.
  12. It is the sole responsibility of the industry to ensure that there are no complaints at any time from the royats in the surrounding areas as a result of discharge of sewage or trade effluent if any.
  13. Proper housekeeping shall be maintained by a dedicated team.
  14. The industry must constitute a team of responsible and technically qualified personnel who will ensure continuous operation of all pollution control devices round the clock (including night hours) and should be in a position to explain the status of operation of the pollution control measures to the inspecting officers of the Board at any point of time. The name of these persons with their contact telephone numbers shall be intimated to the concerned. Regional Officer and Head Office of the Board and in case of any change in the team it shall be intimated to the Board immediately.
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**E. SPECIAL CONDITIONS:**

- (I) 1. Dust suppression arrangement shall be provided on haul road and other working areas by using water sprinklers for control of dust emission.
  2. The industry shall provide dust extraction system or dust suppression system, preferably dry fog system at all strategic dust generation points such as loading and unloading points, all transfer points, conveyers etc. to suppress the dust.
  3. Fine atomizer nozzles arrangements for spraying of water shall be provided around coal stack yard and around the crusher / pulverizes to suppress the fugitive dust emission. All the conveyor transfer points shall be provided with enclosures.
  4. The industry shall provide instant shower system at the entrance of the plant in order to make the coal wet before its feeding into the receiving hopper.
  5. Adequate measures shall be taken for control of noise levels in the work environment of plant area so that the noise levels at the boundary of the premises shall not exceed 75dB(A) during day time (6 AM to 10 PM) and 70 dB(A) during night time(10 PM to 6 AM).
  6. The ambient air quality shall remain within prescribed national ambient air quality standards.
  7. Adequate ambient air quality monitoring stations (four numbers) shall be established for monitoring PM<sub>10</sub>, PM<sub>2.5</sub>, SO<sub>2</sub>, NO<sub>x</sub>. Location of the stations should be decided based on the meteorological data, topographical features and environmentally and ecologically sensitive targets and frequency for monitoring should be undertaken in consultation with the State Pollution Control Board.
  8. Monitoring data on ambient air quality and noise quality shall be submitted to the Board once in six months. Electronic display board shall be installed at the main gate of the plant for displaying the ambient air quality and noise monitoring data etc.
  9. The height of the stack connected to DG sets of capacity more than 800 KW (1000 KVA) shall conform to the following:
    - i)  $14Q^{0.3}$ , Q = Total SO<sub>2</sub> emission from the plant in kg/hr.
    - ii) Minimum 6m. above the building where generator set is installed.
    - iii) 30 m.
  10. The height of the stack connected to DG set of capacity less than and upto 800 KW (1000 KVA) shall conform to the following:
    - i)  $H = h + 0.2\sqrt{KVA}$
    - ii) h= Height of the building where it is installed in meter
    - iii) KVA = Capacity of DG set
    - iv) H = Height of the stack in meter above ground level.
  11. All DG sets installed before 1.7.2004 shall be scrapped. DG sets complying with either State-I or Stage-II emission norms shall reduce Particulate Matter Emission by 70% by installing RECD without affecting any other emission parameters as per the CPCB guidelines and Board's letter vide No.17927, dated 14.11.2023 and letter No.7146, dated 10.05.2024, in this regard.
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**CONSENT ORDER**

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12. Appropriate preventive measures shall be taken for control of fire hazards at coal handling area.
  13. The industry shall provide garland drains around the plant boundary followed by settling pit in order to prevent direct discharge of washings to outside. Water from the settling pit shall be completely reused for plantation activity or process activity.
  14. The industry shall provide internal drains inside the plant for collection of surface runoff and it shall be used for plantation or process activity.
  15. Under no circumstances the industry shall discharge any wastewater to outside.
  16. Domestic wastewater shall be discharged to soak pit via septic tank constructed as per BIS specification.
  17. The washery rejects / coal rejects shall be sold to outside parties for use in any thermal power plants complying with the stipulated emission and fly ash norms as specified in Ministry of Environment, Forest and Climate Change Notification Number S.O.3305(E) dated the 7<sup>th</sup> December, 2015, read with the notification number S.O.763 (E), dated the 14<sup>th</sup> September, 1999 and its amendments [vide numbers S.O.979 (E), dated the 27<sup>th</sup> August, 2003, S.O. 2804 (E), dated 3rd November, 2009 and S.O. 254 (E), dated 25<sup>th</sup> January, 2016] and related subsequent notification and amendments issued from time to time". The details of disposal of coal rejects shall be submitted on annual basis in enclosed Format I & II.
  18. A quarterly report on the quantity and name of the power plants to whom the coal rejects are sent, shall be furnished to the Board for record.
  19. The unit shall submit the environment statement in the prescribed format every year.
  20. The unit shall submit a declaration by 30<sup>th</sup> of April every year that all pollution control systems are in good condition and operated & air quality, noise quality as well as wastewater quality confirm to the prescribed standards.
- (II) ADDITIONAL SPECIAL CONDITIONS AS PER MoEF&CC Letter No.J-11015/67/2013-IA.II(M), dated 22.02.2022 and J-11015/925/2007-IA.II(M), dated 17.04.2025.**
1. Ambient Air Quality (AAQ) and Noise quality data along the entire coal transportation route shall be monitored and the data shall be submitted along with the six-monthly compliance to the concerned Regional Office and also kept on the web portal of the company.
  2. Proponent shall comply with all the recommendations of the traffic impact assessment report submitted. Compliance in this regard shall be submitted along with the six-monthly compliance to the concerned Regional Office and also kept on the web portal of the company.
  3. Three tier plantation plan submitted by the proponent for both the sides of the proposed conveyor belt from washery to railway siding shall be implemented and plantation for this year shall be completed during the monsoon season of 2025. In addition to this, PP shall provide 50,000 plant saplings with 4 feet tall fruit bearing plants to farmers for plantation in barren and agriculture lands in the study area every year for 5 years with incentive to improve the green cover in and around the washery area.
  4. Project Proponent shall adopt wildlife protection measures including creating awareness among the drivers, sensitizing the drivers about prevention of road kills and handling of wildlife encounters while driving through forest areas and speed governors must be installed in the coal transporting trucks/dumpers.
-



## CONSENT ORDER

5. The continuous ambient air quality monitoring station installed in consultation with OSPCB, shall be commissioned by April, 2025 for monitoring the common/criteria pollutants such as PM<sub>10</sub>, PM<sub>2.5</sub>, SO<sub>2</sub>, NO<sub>x</sub> as committed. The real time data so generated shall be uploaded on company website and linked it with website of CPCB & SPCB. In addition, data should also be displayed digitally at entry and exit gate of coal washery for public display.
  6. Road inside and at periphery of Washery plant shall be constructed of concrete only.
  7. Belt conveyor system shall be installed to transport washed/raw coal by 31.03.2027.
  8. Transportation of rejects shall only be in 40 to 50 tonne trucks only if railway siding is not present at utilization points. If railway siding is available upto FBC Power Plants/ Thermal Power Plants, then no transportation shall be allowed by trucks.
  9. Transport of raw coal, clean coal and middling shall be by rail/road (in 40-50 tonnes dumpers only). Washed coal will be transported through private railway siding.
  10. Raw coal, washed coal and rejects shall be stored in covered silos facility. Fixed type high pressure sprinkler shall be installed in this storage yards.
  11. 5 nos. long ranging fog canon system (mist spraying) shall be installed to reduce the impact of air pollution on transportation route and Railway siding.
  12. Project Proponent shall comply 33% of the green belt plantation with trees within the plant boundary and plan of action to be submitted to Regional office of Ministry within six months. Accordingly, three Tier Green belt developments (of 50 mtrs width) in and around the periphery of washery within 3 years.
  13. Wildlife conservation plan for schedule I species in EIA report with allocated fund shall be submitted to State Forest Department. Fund allocated for this purpose shall also submitted within six months and a copy of receiving to be submitted to Ministry Regional office within three months.
  14. No Untreated wastewater should be discharged to the natural stream/water body and Water requirement for coal washery operations should not exceed 1200 KLD.
  15. High efficiency centrifuge, belt press filter, high frequency screening, and thickener shall be installed to separate coal fines and maximize water recovery.
  16. Third party monitoring by reputed institute for air quality shall be carried out at identified locations, both ambient and the process area, to arrive the impact at regular interval of 3 years.
  17. Surface runoff from Storage yard of Coal, reject dumps shall be stored in settling tank and later treated before any usage and quality shall be checked frequently.
  18. Persons of nearby villages shall be given training on livelihood and skill development to make them employable.
  19. Proper roads, toilets facilities, plantation, solar lights, drinking water facilities, stationaries shall be provided to nearby villages, school and colleges.
  20. Wind barrier of atleast 10 mtr shall be provided along the boundary mainly where habitation is present to mitigate air pollution.
  21. Project Proponent should establish in house (at project site) environment laboratory for measurement of environment parameter with respect to air quality and water (surface and ground). A dedicated team to oversee environment management shall be setup which
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## CONSENT ORDER

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should comprise of Environment Engineers, Laboratory chemist and staff for monitoring of air, water quality parameters on routine basis.

**F. ADDITIONAL CONDITIONS:**

1. The unit shall install a **Surface Runoff Treatment System (SRTS)** within **six months** from the date of issuance of the Consent to Operate.
2. The unit shall install a censor based **wheel washing system** with complete recirculation system within **three months** from the date of issuance of the Consent to Operate.
3. The unit shall install a **Sewage Treatment Plant (STP)** for the treatment of domestic wastewater within **six months** from the date of issuance of the Consent to Operate.

MEMBER SECRETARY  
STATE POLLUTION CONTROL BOARD, ODISHA

TO,

SRI HARINDER MOHAN JAIN, DIRECTOR,  
HEMGIRI COAL WASHERY OF M/S. ACB (INDIA) LIMITED,  
AT: KANIKA, PO: HEMGIRI ROAD,  
DIST: SUNDARGARH, ODISHA, PIN-770075



Memo No. 4582 /Dated 30.03.2026 /

Copy forwarded to :

- i) District Magistrate & Collector, Sundargarh
- ii) Director of Mines, Govt. of Odisha, Bhubaneswar
- iii) Director, Environment-cum-Special Secretary, F, E & CC Deptt., Govt. of Odisha, Bhubaneswar.
- iv) D.F.O, Sundargarh
- v) Deputy Director of Mines, Rourkela
- vi) Regional Officer, State Pollution Control Board, Jharsuguda
- vii) Consent Register

ADDL. CHIEF ENV. ENGINEER  
STATE POLLUTION CONTROL BOARD, ODISHA



**GENERAL STANDARDS FOR DISCHARGE OF  
ENVIRONMENTAL POLLUTANTS PART – A : EFFLUENTS**

Sl. No.	Parameters	Prescribed Standards			
		Inland surface	Public sewers	Land for irrigation	Marine Costal Areas
		(a)	(b)	(c)	(d)
1.	Colour & odour	Colourless/ Odourless as far as practible	--	See 6 of Annex-1	See 6 of Annex-1
2.	Suspended Solids (mg/l)	100	600	200	a. For process wastewater – 100 b. For cooling water effluent 10% above total suspended matter of influent.
3.	Particular size of SS	Shall pass 850	--	--	--
5.	pH value	5.5 to 9.0	5.5 to 9.0	5.5 to 9.0	5.5 to 9.0
6.	Temperature	Shall not exceed 5 <sup>0</sup> C above the receiving water temperature	--	--	Shall not exceed 5 <sup>0</sup> C above the receiving water temperature
7.	Oil & Grease mg/l max.	10	20	10	20
8.	Total residual chlorine	1.0	--	--	1.0
9.	Ammonical nitrogen (as N) mg/l max.	50	50	--	50
10.	Total Kajeldahl nitrogen (as NH <sub>3</sub> ) mg/1 max.	100	--	--	100
11.	Free ammonia (as NH <sub>3</sub> ) mg/1 max.	5.0	--	--	5.0
12.	Biochemical Oxygen Demand (5 days at (20 <sup>0</sup> C) mg/1 max.	30	350	100	100
13.	Chemical Oxygen Demand, mg/1 max.	250	--	--	250
14.	Arsenic (as As) mg/1 max.	0.2	0.2	0.2	0.2
15.	Mercury (as Hg) mg/1 max.	0.01	0.01	--	0.001
16.	Lead (as pb) mg/1 max.	01.	1.0	--	2.0



## CONSENT ORDER

Page 11 of 14

Sl. No.	Parameters	Prescribed Standards			
		Inland surface	Public sewers	Land for irrigation	Marine Costal Areas
		(a)	(b)	(c)	(d)
17.	Cadmium (as Cd) mg/l max.	2.0	1.0	--	2.0
18.	Hexavalent Chromium (as Cr + 6) mg/l max.	0.1	2.0	--	1.0
19.	Total Chromium (as Cr) mg/l max.	2.0	2.0	--	2.0
20.	Copper (as Cu) mg/l max.	3.0	3.0	--	3.0
21.	Zinc (as Zn) mg/l max.	5.0	15	--	15
22.	Selenium (as Sc) mg/l max.	0.05	0.05	--	0.05
23.	Nickel (as Nil) mg/l max.	3.0	3.0	--	5.0
24.	Cyanide (as CN) mg/l max.	0.2	2.0	0.2	0.02
25.	Fluoride (as F) mg/l max.	2.0	15	--	15
26.	Dissolved Phosphates (as P) mg/l max.	5.0	--	--	--
27.	Sulphide (as S) mg/l max.	2.0	--	--	5.0
28.	Phenolic compounds as (C <sub>6</sub> H <sub>5</sub> OH) mg/l max.	1.0	5.0	--	5.0
29.	Radioactive materials				
	a. Alpha emitter micro curie/ml.	10 <sup>7</sup>	10 <sup>7</sup>	10 <sup>8</sup>	10 <sup>7</sup>
	b. Beta emitter micro curie/ml.	10 <sup>6</sup>	10 <sup>6</sup>	10 <sup>7</sup>	10 <sup>6</sup>
30.	Bio-assay test	90% survival of fish after 96 hours in 100% effluent	90% survival of fish after 96 hours in 100% effluent	90% survival of fish after 96 hours in 100% effluent	90% survival of fish after 96 hours in 100% effluent
31.	Manganese (as Mn)	2 mg/l	2 mg/l	--	2 mg/l
32.	Iron (Fe)	3 mg/l	3 mg/l	--	3 mg/l
33.	Vanadium (as V)	0.2 mg/l	0.2 mg/l	--	0.2 mg/l
34.	Nitrate Nitrogen	10 mg/l	--	--	20 mg/l



### NATIONAL AMBIENT AIR QUALITY STANDARDS

Sl. No.	Pollutants	Time Weighed Average	Concentrate of Ambient Air		
			Industrial Residential, Rural and other Area	Ecologically Sensitive Area (notified by Central Government)	Methods of Measurement
(1)	(2)	(3)	(4)	(5)	(6)
1.	Sulphur Dioxide (SO <sub>2</sub> ), µg/m <sup>3</sup>	Annual * 24 Hours **	50 80	20 80	-Improved west and Gaeke - Ultraviolet fluorescence
2.	Nitrogen Dioxide (NO <sub>2</sub> ), µg/m <sup>3</sup>	Annual * 24 Hours **	40 80	30 80	- Modified Jacob & Hochheiser ( Na-Arsenite) - Chemiluminescence
3.	Particulate Matter (size less than 10µm) or PM <sub>10</sub> µg/m <sup>3</sup>	Annual * 24 Hours **	60 100	60 100	-Gravimetric - TOEM - Beta Attenuation
4.	Particulate Matter (size less than 2.5µm) or PM <sub>2.5</sub> µg/m <sup>3</sup>	Annual * 24 Hours **	40 60	40 60	-Gravimetric - TOEM - Beta Attenuation
5.	Ozone (O <sub>3</sub> ) µg/m <sup>3</sup>	8 Hours ** 1 Hours **	100 180	100 180	- UV Photometric - Chemiluminescence - Chemical Method
6.	Lead (Pb) µg/m <sup>3</sup>	Annual * 24 Hours **	0.50 1.0	0.50 1.0	-AAS/ICP method after sampling on EMP 2000 or equivalent filter paper. - ED-XRF using Teflon filter
7.	Carbon Monoxide (CO) mg/m <sup>3</sup>	8 Hours ** 1 Hours **	02 04	02 04	- Non Dispersive Infra Red (NDIR) Spectroscopy
8.	Ammonia (NH <sub>3</sub> ) µg/m <sup>3</sup>	Annual* 24 Hours**	100 400	100 400	-Chemiluminescence - Indophenol Blue Method
9.	Benzene (C <sub>6</sub> H <sub>6</sub> ) µg/m <sup>3</sup>	Annual *	05	05	-Gas Chromatography based continuous analyzer - Adsorption and Desorption followed by GC analysis
10.	Benzo (a) Pyrene (BaP)-Particulate phase only, ng/m <sup>3</sup>	Annual*	01	01	-Solvent extraction followed by HPLC/GC analysis
11.	Arsenic (As), ng/m <sup>3</sup>	Annual*	06	06	-AAS/ICP method after sampling on EPM 2000 or equivalent filter paper
12.	Nickel (Ni),ng/m <sup>3</sup>	Annual*	20	20	-AAS/ICP method after sampling on EPM 2000 or equivalent filter paper

\* Annual arithmetic mean of minimum 104 measurements in a year at a particular site taken twice a week 24 hourly at uniform intervals.

\*\* 24 hourly or 08 hourly or 01 hourly monitored values, as applicable, shall be complied with 98% of the time in a year, 2% of the time, they may exceed the limits but not on two consecutive days of monitoring.



## CONSENT ORDER

Annexure-IAnnual Returns of Coal Washery

Name:

Location:

Capacity:

Consent Order No:

Valid upto :

Period for which return is submitted for the Financial Year \_\_\_\_\_

1.	Quantity of raw coal received (MT)			
2.	Quantity of washed coal dispatched (MT)	<b>By road</b>	<b>By rail</b>	<b>Total</b>
3.	Quantity of unutilised washed coal of previous year (MT)			
4.	Quantity of Middlings & Rejects generated in current FY (MT)			
5.	Quantity of unutilised Middlings & Rejects accumulated in previous year (MT)			
	<b>Total</b>			
6.	Quantity of Middlings & Rejects despatched to power plant (MT)			
7.	Quantity of Middlings & Rejects despatched to other unit (MT)			
	<b>Total</b>			
	Remaining Middlings & Rejects stored in premises (MT)			

DECLARATION

I, do hereby declare that all the statements made and information furnished in the format are true to best of knowledge. I understand that it is an offense to make false statement and information in the above format is punishable under the provisions of Section-42(1)(f) of Water (PCP) Act, 1974.

SIGNATURE

\_\_\_\_\_



## CONSENT ORDER

**Annexure-II****Details of Coal Rejects and Middlings Supplied to Thermal Power Plants**

Name:

Location:

Capacity:

Consent Order No:

Valid upto :

Period for which return is submitted for the Financial Year \_\_\_\_\_

Sl. No.	Name of the Thermal Power Plant	Location	Capacity of Power Plant (MW)	Quantity Supplied (MT)	Mode of Transportation (Rail / Road / Other)
1.					
2.					
3.					
4.					
5.					

**DECLARATION**

I, do hereby declare that all the statements made and information furnished in the format are true to best of knowledge. I understand that it is an offense to make false statement and information in the above format is punishable under the provisions of Section-42(1)(f) of Water (PCP) Act, 1974.

**SIGNATURE**


---



Annexure "R-5"  
Government of Odisha  
Cyber Treasury  
eChallan



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1.	Name of the Depositor	MS ACB (INDIA) LIMITED
2.	Depositor's Address	AT KANIKA P.O. HEMGIR ROAD HEMGIR Odisha Sundergarh 770075
3.	District	Sundergarh
4.	e Challan Reference Id	3A53EF4B10
5.	Total Transaction Amount (In Rs.)	Rs. 500000/- ( echallan- Rs. 500000/- + agency- Rs. 0/- )
6.	Amount (In words)	Five Lakh Only

Head of Account

Description	Head Of Account	Amount	Challan Number & Date
Miscellaneous Other Receipts	0853-00-104-0097-02082-000	Rs. 500000/-	0853/5457 - 17/05/2025
	Total Amount	Rs. 500000/-	

Bank Details

Name of the Bank	ICICI BANK
Mode of Transaction	Net Banking
Bank Transaction ID	2042678945
Bank Transaction Date & Time	16/05/2025 07:14:08 PM
Bank Transaction Status	Successful: Confirmation Received from Bank as Success

Payment Remarks

Penalty charge for washed coal release from out side washery to PAHD Siding
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\* This is a computer generated challan and doesn't require any signature or stamp.

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**OFFICE OF THE DEPUTY DIRECTOR OF MINES: ROURKELA CIRCLE,  
ROURKELA.**No. VIII-07/2025 1646 /Mines, Dt: 17.05.2025**OFFICE ORDER**

Whereas, On getting information from the Collector and District Magistrate, Sundargarh vide letter No.385/Res, Dt.05.04.2025, Base level Mining Squad headed by Sri B.D. Sethi, Deputy Director of Mines, Rourkela on dt.20.04.2025 physically verified the washed coal stock of ACB (India) Ltd., Kanika and found that 44167.591MT of washed coal has been stored adjacent and outside plant premises area of ACB (India) Ltd. wahsery at Kanika. On interrogation the representative of the licensee stated that, they have issued e-passes from washery to ACB railway siding against the said quantity of coal for dispatch of same to ACB (India) railway siding, Kanika, but due to space constraints at railway siding they have stored the coal outside of the plant premises unlawfully. Hence the said stock of 44167.591MT washed coal has been seized by Sri B.D. Sethi, Deputy Director of Mines, Rourkela and kept under the safe custody of Sri Vivek Verma, AGM, ACB (India) Coal Washery.

Whereas, on receipt of the show cause notice issued vide this Office letter No.1348/Mines, Dt.24.04.2025, M/s. ACB (India) Ltd. submitted a reply that, large quantity of coal was received from mines of MCL and OCPL against the pending DOs of various linked consumers and due to non availability of railways rakes and in order to save the coal from fire catching, they have stacked the washed coal outside and adjacent to their washery premises. They have also reported that the seized washed coal belongs to different power plants like Maharashtra State Power Generation Co. Ltd. (A Govt. of Maharashtra U/T), OCPL, Parammitter Realtors Pvt. Ltd. etc. Further they have requested to impose minimum penalty for release of the seized washed Coal and undertake not to commit such type of mistake in future.

Whereas, Sri M.C. Hembram, Junior Mining Officer submitted a verification report regarding the storing of 44167.591MT washed Coal and reported that the said quantity of washed coal is genuine which is transported from ACB (India) Coal washery Kanika using e-passes issued vide permit No.132503477, dt.11.03.2025 and permit No.132506902, dt.22.03.2025 destined to PAHD railway siding, Kanika. But they have stored adjacent and outside to ACB (India) Coal washery, Kanika which violate rule 3 of OMPTS Rules,2007 and its amendment.

Whereas, Basing on the report of the Junior Mining Officer, penalty of Rs.5,00,000/- imposed against M/s. ACB (India) Ltd. which has been deposited by the licensee company vide e-challan reference No.3A53EF4B10, Dt.16.05.2025.

Therefore, washed Coal of 44167.591MT seized by Sri B.D. Sethi, Deputy Director of Mines, Rourkela is hereby released in favour of M/s. ACB (India) Ltd.

Memo No. 1647 /Mines, Dt. 17.05.2025

Copy to M/s. ACB (India) Ltd., At-Kanika, PO-Hemgir, Dist-Sundargarh for information &amp; necessary action.

Deputy Director of Mines,  
Rourkela.Memo No. 1648 /Mines, Dt. 17.05.2025

Copy to the Sri M.C. Hembram, Jr. Mining Officer for information and necessary action. He is requested to hand over 44167.591MT of washed Coal to M/s. ACB (India) Ltd. with proper Zimmanama.

Deputy Director of Mines,  
Rourkela.

No. 2181 / Mines, Dt. 30.06.2025.

M/s. ACB (India)Ltd.  
At- Kanika, PO: Hemgir,  
Dist. Sundargarh.

Sub: Re-measurement of physical stock of Raw Coal inside the Coal Washery of ACB (India) Ltd. at Kanika under Hemgir Tahsil of Sundargarh District-discrepancies arisen & Issue of Show Cause Notice thereof.

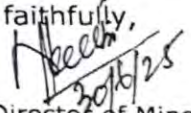
Sir,

In inviting a reference to the subject cited above, I am to inform that while conducting joint measurement of physical stock of Raw Coal inside the Coal Washery on Dt.10.04.2024 by the Jr.Mining Officer & Survey Asst. of this Office with Mr.Vivek Verma, A.G.M. of your Company in presence of the undersigned, Sub-Collector, Sadar, Sundargarh, SDPO, Sadar, Sundargarh & the Tahsildar, Hemgir, there was shortage of 2803.020 M.T. than your Books of Account maintained by you as on date was 60,106.870 M.T. The fact was intimated to the Director of Mines & Geology, Odisha, Bhubaneswar.

Further, as per letter No.5754 Dt.13.06.2025 of the Sub-Collector, Sadar Sundargarh while joint re-measurement of physical stock of Raw Coal conducted at that premises on Dt. 16.06.2025, 17.06.2025 & 23.06.2025 by the Jr.Mining Officers & Survey Asst. of this Office in presence of the Executive Magistrate, Hemgir & the Representative of ACB India Ltd. (A.G.M.) the total shortage arisen 12,608.790 M.T. than your Books of account 60,106.870 M.T.

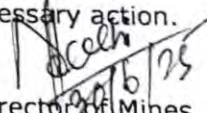
In view of the above discrepancies and cause of shortages in physical stock, you are hereby noticed to Show Cause within 7 days from the date of issue of this Notice, as to why action shall not be initiated against you as per the Orissa Minerals (PTSIMRPST&T) Rules, 2007 and its amendment.

Yours faithfully,

  
30/6/25  
Deputy Director of Mines,  
Rourkela.

Memo No. 2182 / Mines, Dt. 30.06.2025

Copy to the Jr.Mining Officer concerned for information and necessary action.

  
30/6/25  
Deputy Director of Mines,  
Rourkela.



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Annexure "R-8"  
**ACB (INDIA) LIMITED**

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Vill.: - Kanika, P.O. - Hemgir Road, Teh.: - Hemgir, Distt. Sundargarh (Odisha) 770075  
Mob.No. 7024217414, Email : vivek.verma@acbindia.com

Ref. No: ACBIL/Hemgir/DDM/25-26/031

Dt: 1<sup>st</sup> July, 2025

To  
The Dy. Director of Mines,  
Rourkela circle, Rourkela

Dear Sir,

Sub: Re-measurement of physical stock of Raw Coal inside the Coal Washery of ACB (India) Limited at Kanika under Hemgir Tahsil of Sundargarh District.

Kindly refer to Memo No. 2181 dated 30/06/2025 vide which we have been show caused for discrepancies noticed for shortage in physical coal stock. It has been informed that during the joint physical verification of coal stock of Raw Coal inside the Washery on 10/04/2025 by the Jr. Mining Officer & Survey Asst. of this office with Mr. Vivek Verma A G M of our company in presence of the Deputy Director of Mines Rourkela, Sub-Collector, Sadar, Sundargarh, SDPO, Sadar Sundargarh & the Tahsildar, Hemgir Dy. Director of Mines, Rourkela, SDPO, Sundargarh and Tahsildar, Hemgir, there was shortage of 2803.020 M.T than our books of account stock of 60106.870 M.T (Physical Stock 57303.85 M.T)

Further as per letter No.7754 dated 13/06/2025 of the Sub-Collector Sadar, Sundargarh Joint Re-Measurement of physical Raw Coal stock inside the Washery premises conducted on 16/06/2025, 17/06/2025 & 23/06/2025 by the Jr. Mining Officer & Survey Asst. in presence of Executive Magistrate, Hemgir & AGM of ACB (India) Limited. In Re-Measurement shortage in physical stock found 12608.790 M.T than the Book Stock of 60106.870 M.T. (Physical Stock 47498.077 M.T)

In this regard our reply to the show cause memo dated 30/06/2025 is as under:

1. The shortage noticed during physical verification of raw coal on 10/04/2025 inside the washery premises was 4.66% of book stock which is less than 5% of the book stock.
2. The stock was under fire due to spontaneous heating of the coal. To save raw coal from fire 9602.50 M.T of coal shifted outside Washery premises subsequent to coal stock measurement on 10/04/2025. This coal was stocked at Plot No. 54/2180 owned by ACB (India) Limited. The dumping of coal was done to safeguard national asset from heavy fire.
3. The Squad of Dy. Director of Mines Rourkela measured this physical stock on 15/04/2025 and found 9594.426 M.T.
4. As stated above physical stock of Raw Coal lying inside Washery premises was re-measured on 16/06/2025, 17/06/2025 and 23/06/2025 found 47498.077 M.T.
5. As explained above physical raw coal stock (-100 mm size) is lying at two places one inside Washery premises and another outside Washery measured by the mines department to the tune of 57092.503 M.T (47498.077+ 9594.426) against book stock of 60106.870 M.T.
6. Shortage in physical stock as compared to book stock is 3014.367 M.T. The shortage is 5% Of the book stock.

Page 1 of 2



Vill.: - Kanika, P.O. - Hemgir Road, Teh.: - Hemgir, Distt. Sundargarh (Odisha) 770075  
Mob.No. 7024217414, Email : vivek.verma@acbindia.com

7. Coal is a bulk item as such tolerance limit for measurement error between physical and book stock is considered by CIL as +/- 5% of the book stock. The relevant portion of the guidelines issued by CIL is as under:

**"Code for Uniform System of Maintenance, Control, Verification of Coal Stock and Measurement, Verification of Overburden Removal in all Mines of Coal India Limited (YELLOW BOOK)**

**"(19) Action for Verification in Coal & OB Measurement.**

(c) In case of coal stock measurement, verification shall be determined by comparison with book stock and measured quantity in every month/quarter/half year/annual. The permissible tolerance of variation in quantity for all coal stock measurement shall be (+/-) 5% of the book stock.

(d) During the coal stock measurement so long, the variation is within the permissible limit (+/-) 5% of the book stock, the reported/derived book stock shall be considered as the closing stock for the month/quarter/half year/annual as the case may be and no action is required to be taken."

A copy of the above guidelines is enclosed for your ready reference.

In view of our explanation given above to the show cause memo it is ample clear that there is no shortage of physical stock as compared to the book stock because difference between the both are within 5% of the book stock. We request you to review the subject matter taking into consideration of the submissions as above.

Thanking you,

Yours faithfully

For ACB (INDIA) LIMITED

AUTHORIZED SIGNATORY


Encl: As above



**CODE FOR UNIFORM SYSTEM  
OF MAINTENANCE, CONTROL,  
VERIFICATION OF COAL STOCK  
AND  
MEASUREMENT, VERIFICATION OF  
OVER BURDEN REMOVAL  
IN ALL MINES OF  
COAL INDIA LIMITED  
(REVISION- 2020)  
“Yellow Book”**



## P R E F A C E

The "New Code for Uniform System of Maintenance Control and Verification of Coal Stock in All Mines of CIL" commonly known as "New Yellow Book" was approved by CIL Board in its 273<sup>rd</sup> Meeting held on 20th Sept., 2011 vide item no. 273.4(G) and subsequently implemented in all mines of CIL from 01.01.2012. The guidelines issued under this Code was based on the conventional technologies which were available/ in use at that point of time. Since with change of time & implementation of various modern Survey equipment like ETS (Electronic Total Station), 3DTLS (3 Dimensional Terrestrial LASER Scanner) or ALS (Airborne LASER Scanner), computation of volume directly using software are now available and are being used widely in mining segment. CIL is also implementing these technologies in it's mines considering higher accuracy, faster progress of work, proper planning/monitoring etc. In view of above, the existing provisions of New Yellow Book is inevitably required to be revised in order to incorporate these systems of measurement and computation of Coal and OB to be followed. In view of above, a committee has been constituted vide Order no. CIL / C-1/ Yellow Book / 2018-19 / 896 Dated 19.12.2018 for suggesting the modification in provisions of OB / Coal measurement using ETS, 3D TLS & software and also modification of some other provisions.

Accordingly, the following members of the committee participated in the meetings and deliberations held on 22.01.2019 at CMPDI, Ranchi and 26.02.2019, 27.05.2019, 26.09.2019, 27.09.2019, 19.10.2019, 20.10.2019, 21.01.2020, 30.01.2020 & 31.01.2020 at CIL HQ, Kolkata and also through Video Conferences on 22.04.2020, 27.4.2020 and 28.4.2020:

Sri K K Mishra	-	Dir (Technical) CMPDI, Ranchi	- Chairman
Sri S K Jha	-	GM (Min) / Prod, CIL	- Member
Sri N. Nath*	-	CM(M), representative of GM(Prod.), CIL	- Member
Sri Rajneesh Kumar	-	GM (Geomatics), CMPDI	- Member
Sri S P Bose	-	HOD (Survey), BCCL	- Member

\* Nominated after superannuation of Sri S.K. Jha.

REFERENCE OF VARIOUS MANUALS/ DOCUMENTS DISCUSSED/  
CONSULTED BY THE COMMITTEE:-

- 1) Code for Uniform System of Maintenance, Control and Verification of Coal Stock in all Mines of CIL – 1992. (Yellow Book)
- 2) New Code for Uniform System of Maintenance, Control and Verification of Coal Stock in all Mines of CIL – 2012. (New Yellow Book)
- 3) Recommendations of the committee of S/Shri R N Mishra, G C Mrig, U Kumar constituted by Chairman CIL vide office order reference CIL: CH: 65: 379 dated 20<sup>th</sup> May 1993. (Regarding OB Measurement)
- 4) Letter ref. no. CIL/ C-1/ F-37/ 03/ 251 dated 8<sup>th</sup> May 2003 issued under signature of GM (Prod) CIL. (Regarding major re-handling of OB)
- 5) Letter ref. no. CIL/ C-1/ C. Stock/ 87/ 1015 dated 23<sup>rd</sup> Oct 1987 issued under signature of Director (Technical) CIL. (Regarding conversion factor determination)
- 6) Letter ref. no. CIL/ C-1/ F-37/ 96/ 3628 dated 22-11-1996 issued under signature of Director (Technical) CIL. (Regarding accepted recommendations of System Improvement)
- 7) Opinions / suggestions as received from CVO, CIL and CIL subsidiaries.

COAL INDIA LIMITED  
A MAHARATNA COMPANY  
Premises No. 04 MAR, Plot No. AF-III, Action Area – IA  
New Town, Rajarhat, Kolkata - 700156

CODE FOR UNIFORM SYSTEM OF MAINTENANCE, CONTROL, VERIFICATION OF COAL STOCK AND MEASUREMENT, VERIFICATION OF OVER BURDEN REMOVAL IN ALL MINES OF COAL INDIA LIMITED

**Applicability and coverage**

This code is applicable to all mines/ Washeries/ Deshaling plants/ Units of CIL. Director (Tech), CIL is empowered to issue order regarding implementation, discontinuance and/or modification of any particular system / clause, which shall be applicable irrespective of the provisions of this code with an intimation to CIL Board.

(1) DIFFERENT MINING TECHNOLOGIES PRACTICED IN COAL INDIA:

A) UNDERGROUND MINES

Different mining technologies used in UG mines of CIL for coal production are as follows:

- Longwall Mining
- Conveyor Transport up to Surface
- Conveyor Transport up to skip loading bunker followed by skip hoisting in shaft
- Bord & Pillar Mining
- Loading by SDLs / LHDs into Conveyors
- Loading by SDLs into Tubs
- Loading into Conveyors and then transferred into mine cars
- Cutting by continuous miner, loading into shuttle cars and transferred into conveyor belt.
- Highwall Mining

**B) OPENCAST MINES**

Different mining technologies used in OC mines of CIL for coal production and Over Burden Removal are as follows:

**Coal Production**

- Shovel-Dumper combination
- Payloader-Tipper combination
- Surface miner-Payloader-Tipper combination
- Shovel-In-pit Crusher-Conveyor

**Overburden Removal**

- Shovel-Dumper combination
- Dragline

**(2) COAL PRODUCTION, OVER BURDEN REMOVAL AND WASHERY PERFORMANCE REPORTING****2.1 UNDERGROUND MINE**

- i) Shift-wise Production Report (2 copies) shall be maintained in a "Bound Paged Book" and / or in any secured electronic form like "coal net/ ERP or any such other system" at Mine office, as per Form 1-A.
- ii) Daily Production Report (2 copies) shall be prepared on the basis of Shift Production Reports, in a "Bound Paged Book" and/ or in any secured electronic form like "coal net/ ERP or any such other system". The Daily Production Report shall be maintained at Mine Manager office, as per Form 2-A.

**2.2 OPENCAST MINE****A) OVER BURDEN REMOVAL**

- i) Shift wise Overburden Removal Report (2 copies) shall be maintained in a "Bound Paged Book" and / or in any secured electronic form like "Coal net/ ERP or any such other system" for Departmental (patch wise) and Outsourced patches (patch wise and contractor wise), at Mine office as per Form 1-B and 1-C respectively.
- ii) Daily Overburden Removal Report (2 copies) shall be prepared on the basis of Shift Overburden Removal Reports in a "Bound Paged Book" and/ or in any secured electronic form like "Coal net / ERP or any such other system". The Daily Overburden Removal Report shall be maintained for Departmental (patch wise) and Outsourced patches (patch wise and contractor wise) at Mine Manager office, as per Form 2-B and 2-C respectively.

(19) **Action for variation in Coal & OB measurement**

- (a) The stock that is under fire shall be measured separately with the remark of extent of fire and action taken for extinguishing the fire. This measurement of fire stock shall be done separately and a separate report shall be made for that. This fire stock should not come in the measured stock of ROM saleable coal.
- (b) Reconciliation between Book Stock and Measured Stock of coal production and OB removal shall be carried out on quarterly basis within 15 days from the end of each quarter.
- (c) In case of coal stock measurement, variation shall be determined by comparison with book stock and measured quantity in every month/quarter/half year/ annual. The permissible tolerance of variation in quantity for all coal stock measurements shall be (+/-)5% of the book stock.
- (d) During the coal stock measurement, so long the variation is within the permissible limit (+/-) 5% of the book stock, the reported / derived book stock shall be considered as the closing stock for the month/ quarter/ half year/ annual as the case may be, and no action is required to be taken.
- (e) In case of variation in coal stock is more than the permissible limit (+/-)5% during monthly measurement by colliery survey team, a committee at area level shall be constituted to examine the matter in detail and submit its report with recommendation for further necessary action.
- (f) Final adjustment in book stock shall be made on the basis of quarterly / half yearly / annual measurement and subsequent reconciliation & closing of accounts. In case the measured Coal Stock is beyond permissible limit of (+/-) 5%, the measured stock shall be adopted as Book Stock.
- (g) In case of variation in the coal stock is more than the permissible limit (+/- 5%) in quarterly/ half yearly/ annual measurement/ surprise check measurement conducted by special team constituted by CIL or Subsidiary Management, the reasons for such variation shall be enquired to fix up the responsibility for such variations and the reasons for such variation shall be identified by a departmentally constituted committee at subsidiary HQ level and write off action and book adjustment shall be made in

accordance with the recommendations of this committee, only after it has been approved by the Subsidiary Company Board.

- (h) During the coal stock measurement even if the coal shortage is more than 5% but less than 2000 te, the reported/ derived book stock shall be considered as the closing stock for the quarter/half year/ annual measurement as the case may be. Penal action for such small shortages shall be under discretion of CMD of concerned subsidiary .
  - (i) Monthly measured Over Burden as per measurement done by colliery survey team shall be considered as firm reported figure of OB removal for the month.
  - (j) In case of overburden removal, variation shall be determined by comparison with the firm reported quantity with quarterly / half yearly / annual measurements. The permissible tolerance of variation in quantity of all OB measurements shall be as follows:
    - (i) (+/-) 5% for OB < 2.5 Lcum per quarter;
    - (ii) (+/-) 3% for OB 2.5 Lcum to 12.5 Lcum per quarter.
    - (iii) (+/-) 2% for OB >12.5 Lcum per quarter.
  - (k) During the OB measurement, so long the variation is within the slab of permissible limits, no action is required to be taken.
  - (l) In case of variation in OB measurement in quarterly / half yearly / annual measurement is found beyond the slabs of permissible tolerance, reason for the variation shall be enquired and identified by a departmentally constituted committee at subsidiary HQ level to fix up responsibility and action shall be taken in accordance with the recommendations of this committee.
  - (m) This permissible tolerance, is being considered as measurement tolerance due to instrumental error, error due to measurement of irregular volume and human error etc., and should not be written off.
- (20) Re-handling of Loose dumped OB**
- (a) In some cases certain quantities of overburden removed are required to be re-handled. Re-handling of overburden by departmental machineries up to 5% of annual in-situ OB removal of current FY, as per Annual Action Plan (AAP), shall have prior approval of Area General Manager. Quantity more than 5% shall have prior approval of Director (Technical) of concerned Subsidiary Company, except for re-handling by Dragline.

- (b) The volume of such re-handling of OB shall be separately calculated and reported. All re-handling proposals shall have proper justification.
- (c) However, for the re-handling of OB by hiring of HEMM, the same shall be dealt as per the provisions of NIT / Work Order.

**(21) Responsibility**

Colliery Surveyor, Area Survey officer, Manager, Agent / Project Officer, AGM/Staff Officer (Mining) and Area General Manager shall be responsible for proper maintenance of coal stock and OB removal. Responsibility for shortage in coal stock and OB removal shall be fixed as per the outcome of the enquiry conducted under clause 19.

**(22) Penalty**

Disciplinary action may be taken against the responsible officials as per applicable rules.

- (23) Appropriate changes necessitated by the provisions of this Yellow Book shall be incorporated into the ERP System with the approval of competent authority.

**Note:** The provisions for **Norms for Domestic Consumption** and **Manual Quarry** as in New Yellow Book – 2012 have been deleted in Yellow Book- Revision 2020, as they are no longer relevant in the present context.

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# Annexure "B-9"

Government of Odisha  
Cyber Treasury  
eChallan



32

1.	Name of the Depositor	MS ACB (INDIA) LIMITED
2.	Depositor's Address	AT KANIKA P.O. HEMGIR ROAD HEMGIR Odisha Sundergarh 770075
3.	District	Sundergarh
4.	e Challan Reference Id	3A5F6ED243
5.	Total Transaction Amount (In Rs.)	Rs. 100000/- ( echallan- Rs. 100000/- + agency- Rs. 0/- )
6.	Amount (In words)	One Lakh Only

## Head of Account

Description	Head Of Account	Amount	Challan Number & Date
Miscellaneous Other Receipts	0853-00-104-0097-02082-000	Rs. 100000/-	Not Generated
	Total Amount	Rs. 100000/-	

## Bank Details

Name of the Bank	HDFC BANK
Mode of Transaction	Net Banking
Bank Transaction ID	BHRENU50PUJSKP
Bank Transaction Date & Time	09/07/2025 11:42:52 AM
Bank Transaction Status	Successful: Confirmation Received from Bank as Success

## Payment Remarks

AMOUNT PAID FOR LICENSE REVOCATION
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\* This is a computer generated challan and doesn't require any signature or stamp.

Generated on : 09/07/2025 11:44:27 AM



154  
Government of Odisha  
Cyber Treasury  
eChallan



1.	Name of the Depositor	MS ACB (INDIA) LIMITED
2.	Depositor's Address	AT KANIKA P.O. HEMGIR ROAD HEMGIR Odisha Sundergarh 770075
3.	District	Sundergarh
4.	e Challan Reference Id	3A5F6ED028
5.	Total Transaction Amount (In Rs.)	Rs. 400000/- ( echallan- Rs. 400000/- + agency- Rs. 0/- )
6.	Amount (In words)	Four Lakh Only

Head of Account

Description	Head Of Account	Amount	Challan Number & Date
Miscellaneous Other Receipts	0853-00-104-0097-02082-000	Rs. 400000/-	Not Generated
	Total Amount	Rs. 400000/-	

Bank Details

Name of the Bank	ICICI BANK
Mode of Transaction	Net Banking
Bank Transaction ID	2045593873
Bank Transaction Date & Time	09/07/2025 11:33:37 AM
Bank Transaction Status	Succesful: Confirmation Received from Bank as Success

Payment Remarks

AMOUNT PAID FOR LICENSE REVOCATION
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\* This is a computer generated challan and doesn't require any signature or stamp.

Generated on : 09/07/2025 11:34:08 AM

OFFICE OF THE DEPUTY DIRECTOR OF MINES, ROURKELA CIRCLE  
ROURKELA.

Order No 2283 /Mines, Dt. 09.07.2025.

Whereas, during the course of joint physical verification of Coal Stock conducted by the Sub-Collector, Sadar Sundargarh, Deputy Director of Mines, Rourkela SDPO, Sundargarh and Tahsildar Hemgir on Dt. 10.04.2025 the Coal Washery of M/s. ACB India Ltd. at Kanika & it was found that there is discrepancy in the stock of Coal mentioned in the register stock available. There was a shortfall of 2803.020 MT of Coal stock physically. Further, on Dt. 15.04.2025 it was found that 9594.426 M.T. of Coal stored unauthorisedly over Plot No.54/2180, Khata No.251/653 in Vill-Kanika under Hemgir Tahsil and claimant of which is M/s. ACB(India)Ltd. As it is violation of the terms and conditions of the License No. RLD13783/2020 dated 10.06.2020 issued by the DDM, Rourkela has been suspended vide letter No.3842 Dt.16.04.2025 of the Sub-Collector, Sadar, Sundargarh. The Executive Magistrate, Hemgir Tahsil sealed the Unit on the same day.

Whereas, the Sub-Collector, Sadar, Sundargarh vide letter No.5740 Dated 13.06.2025 requested DDM, Rourkela for re-measurement of Physical Stock of the said Coal Washery at Kanika with memo No.5741 Dt.13.06.2025 to the Tahsildars Sadar & Hemgir. Again Sub-Collector, Sadar, Sundargarh vide letter No.5754 Dated 13.06.2025 requested DDM, Rourkela for re-measurement of physical stock with Memo No.5755/Dt.13.6.2025 to the Tahsildar, Hemgir and SDPO, Sundargarh & the DGM of ACB (India)Ltd. under intimation to the District Magistrate & Collector, Sundargarh vide Memo No.5756/Dt.13.06.2025.

Whereas, for the purpose of re-measurement of physical raw Coal stock inside the Coal Washery of ACB (India)Ltd. the concerned Jr. Mining Officer & other 4 Jr. Mining Officers & Survey Asst. of this Office in presence of the Executive Magistrate of Hemgir Tahsil & the AGM of the said Co. undertake re-measurement and conducted on Dt.16.06.2025, 17.06.2025 & 23.06.2025 has submitted their report on dated 26.06.2025 with measurement sheet wherein it is found the stock of raw Coal stock is 47,498.077 M.T. This re-measurement conducted on the above days jointly has been reported to the Sub-Collector, Sadar, Sundargarh vide this Office letter No.2165/Mines dated 30.06.2025 with enclosures measurement sheet. Also M/s. ACB(India)Ltd. was asked to show cause on such discrepancies and cause of shortages in physical stock within 7 days vide this Office letter No.2181/Mines, Dt.30.06.2025.

Whereas, the Authorised Signatory of M/s.ACB(India)Ltd.vide their letter No.031 Dt.01.07.2025 explained the fact in detail at point-5 that the physical raw Coal stock(-100mm size is lying at two places one inside Washery premises and another outside Washery premises by the mines Department to the tune of 57092.503 M.T. (47,498.077 + 9594.426 M.T. over Plot No.54/2180, Khata No.251/653 in Vill-Kanika) against book balance of 60106.870 M.T. In this context the IIC, Hemgir P.S. has been requested vide this Office letter No.2237/Mines, Dt. 05.07.25 to investigate the fact on shifting of 9602.500 MT from the plant premises to plot No.54/2180, Kanika owned by the said Co.& intimate the fact for further action.

Whereas, the Sub-Collector, Sadar, Sundargarh vide letter No.6561/Dated 08.07.2025 sent a copy of letter vide No.034 Dated 07.07.2025 of the Deputy General Manager of M/s. ACB (India) Ltd. addressed to the Collector, Sundargarh and asked to go through the petition and take necessary action under intimation to him.

Whereas, the Authorised Signatory of M/s.ACB(India)Ltd.vide letter No.035 Dt.08.07.2025 addressed to the DDM, Rourkela prayed for release of seized Coal and revocation order on suspension of their License vide No.RLD13783/2020 dated 10.06.2020.

-2-

Whereas, the Licensee Co. M/s. ACB(India) Ltd. have violated the rules & procedures under the Orissa Minerals (PTSIMRPST&T) Rules, 2007 & its amendment & for non-adherence of same, penalty amounting to Rs.5,00,000/- (Rupees five lakhs) only is hereby imposed and ordered to deposit the amount under the appropriate Head of Govt. Head of account.

Whereas, as per the Order, the Authorised Signatory of M/s. ACB (India) Ltd. have deposited a sum of Rs.5,00,000/- only vide e-chalan No. 3A5F6ED028 Dt. 09.07.2025 & No.3A5F6ED243 Dt.09.07.2025( Rs.4,00,000/- & Rs.1,00,000/-) respectively as penalty and submitted copy vide their letter No.036 Dt.09.07.2025.

Therefore, after going through the fact and petition of the Licensee Co. M/s. ACB (India)Ltd. as well as letter No.6561/ Dated 08.07.2025 of the Sub-Collector, Sadar, Sundargarh, and after realization of penalty amount, the Suspension Order of the License No.RLD13783/2020 dated 10.06.2020 is hereby revoked.

*Neelesh*  
9/7/25  
Deputy Director of Mines,  
Rourkela.

Memo No. 2284 /Mines, Dt. 9/7/25

Copy forwarded to the Dy.General Manager, M/s.ACB(India) Ltd, Kanika, P.S.Hemgir, Dist. Sundargarh for information and necessary action in response to their letter No.035 Dt.08.07.2025.

*Neelesh*  
9/7/25  
Deputy Director of Mines,  
Rourkela.

Memo No. 2285 /Mines, Dt. 9/7/25

Copy forwarded to M.C. Hembram, Jr.Mining Officer for information and necessary action.

*Neelesh*  
9/7/25  
Deputy Director of Mines,  
Rourkela.

Memo No. 2286 /Mines, Dt. 9/7/25

Copy forwarded to the Tahsildar, Hemgir, Dist. Sundargarh for favour information and necessary action.

*Neelesh*  
9/7/25  
Deputy Director of Mines,  
Rourkela.

Memo No. 2287 /Mines, Dt. 9/7/25

Copy forwarded to the SDPO, Sadar, Sundargarh for favour of information and necessary action .

*Neelesh*  
9/7/25  
Deputy Director of Mines,  
Rourkela.

Memo No. 2288 /Mines, Dt. 9/7/25

Copy forwarded to the Sub-Collector, Sadar, Sundargarh for favour of information and necessary action in response to his letter No.6561/Dt.08.07.2025.

*Neelesh*  
9/7/25  
Deputy Director of Mines,  
Rourkela.

Memo No. 2289 /Mines, Dt. 9/7/25

Copy forwarded to the Collector & District Magistrate Sundargarh for favour of kind information and necessary action in response to Memo No.6562 Dt.08.07.2025 of the Sub-Collector, Sadar, Sundargarh.

*Neelesh*  
9/7/25  
Deputy Director of Mines,  
Rourkela.



# Annexure 3711"

Government of Odisha  
Cyber Treasury  
eChallan



1.	Name of the Depositor	MS ACB (INDIA) LIMITED
2.	Depositor's Address	AT KANIKA P.O. HEMGIR ROAD HEMGIR Odisha Sundergarh 770075
3.	District	Sundergarh
4.	e Challan Reference Id	3A6B4F77F3
5.	Total Transaction Amount (In Rs.)	Rs. 500000/- ( echallan- Rs. 500000/- + agency- Rs. 0/- )
6.	Amount (In words)	Five Lakh Only

## Head of Account

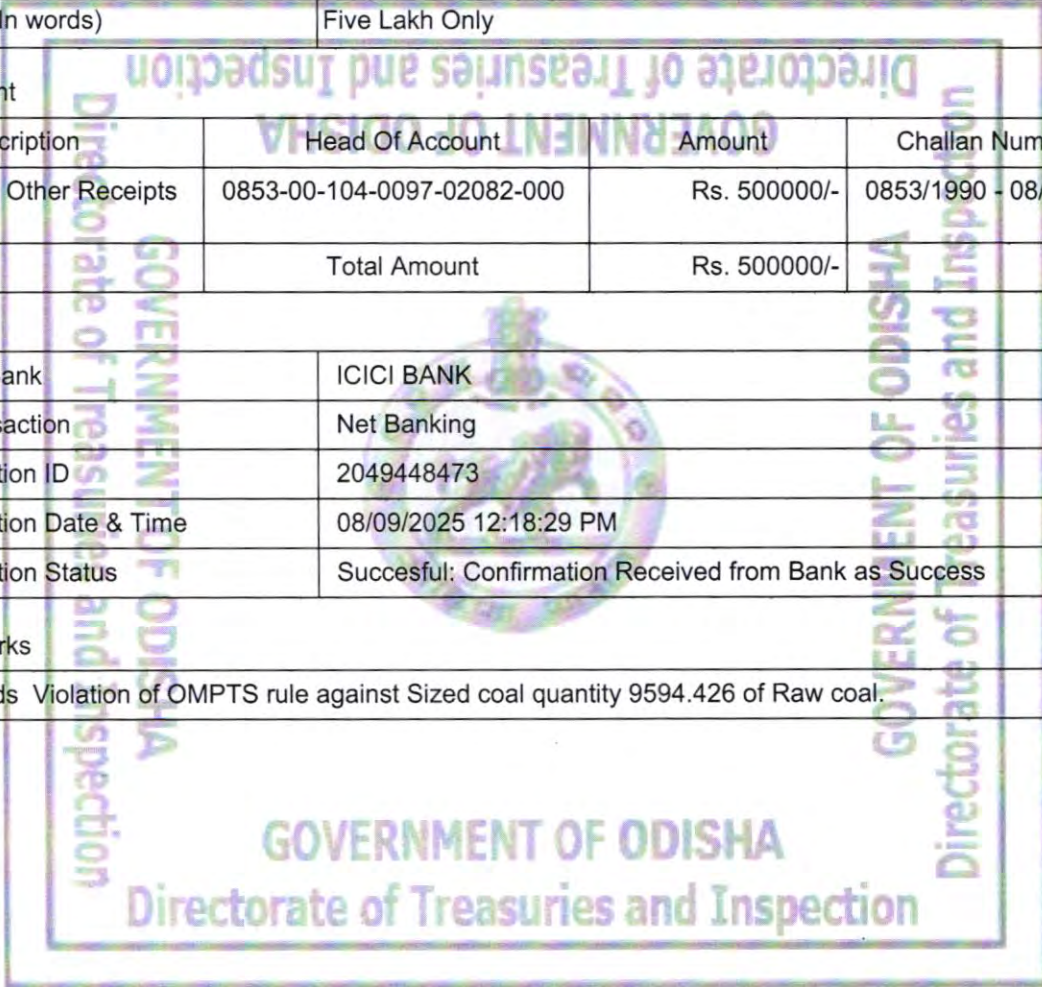
Description	Head Of Account	Amount	Challan Number & Date
Miscellaneous Other Receipts	0853-00-104-0097-02082-000	Rs. 500000/-	0853/1990 - 08/09/2025
	Total Amount	Rs. 500000/-	

## Bank Details

Name of the Bank	ICICI BANK
Mode of Transaction	Net Banking
Bank Transaction ID	2049448473
Bank Transaction Date & Time	08/09/2025 12:18:29 PM
Bank Transaction Status	Successful: Confirmation Received from Bank as Success

## Payment Remarks

Penalty towards Violation of OMPTS rule against Sized coal quantity 9594.426 of Raw coal.
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\* This is a computer generated challan and doesn't require any signature or stamp.

Generated on : 18/09/2025 10:46:09 AM

**OFFICE OF THE DEPUTY DIRECTOR OF MINES: ROURKELA CIRCLE,  
ROURKELA.**No. VIII-07/2025 3005 /Mines, Dt: 08/09/2025**OFFICE ORDER**

Whereas, Collector and District Magistrate, Sundargarh vide letter No.385/Res. Dt.05.04.2025 instructed Sub-Collector, Sundargarh, DDM, Rourkela and Tahasildar, Hemgir to check all the nearby Coal washeries and depots with proper verification of stocks and relevant documents. Accordingly DDM, Rourkela along with Tahasildar, Hemgir and Sub-Collector, Sadar, Sundargarh on dt.10.04.2025 jointly inspected the Coal washery of ACB (India) Ltd. and found physical measured stock of 57,303.850MT Coal in the washery premises, but as per the books of account it was 60,106.870MT Coal result in shortage of 2803.020MT Coal. Further on dt.15.04.2025, 9594.426MT Coal found unauthorisedly stored at Kanika, over Plot No.54/2180, Khata No.251/653 under Hemgir Tehsil which was seized by DDM, Rourkela in presence of Tehsildar, Hemgir & Asst. Manager, ACB (India) Ltd. The seized Coal has been claimed by ACB (India) Ltd. and kept under the safe custody of Sri Vivek Verma, AGM of ACB (India) Coal Washery, Kanika.

Whereas, FIR has been registered by the DDM, Rourkela against ACB (India) Ltd. before Hemgir PS vide PS Case No.143, dt.16.04.2025 and IIC, Hemgir PS requested for investigation into the matter. SI, Hemgir PS in his letter dt.29.04.2025 stated that, "Initial measurement of raw Coal stock in ACB Coal washery was done on 10.04.2025. On dt.15.04.2025 another measurement was done at Vill-Kanika, Plot No.54/2180, Khata No.251/65 and the premises of ACB coal washery was sealed on dt.16.04.2025 and on dt.15.04.2025 the available raw coal stock in the premises of ACB (India) Pvt. Ltd. was not verified and requested for further measure the raw coal stock inside the premises of coal washery for further investigation vide Hemgir PS Case No.143, dt.16.04.2025".

Whereas, Joint sample from the seized Coal collected by Sri M.C. Hembram, Jr. Mining Officer was sent to the Analytical Chemist, Zonal Laboratory, Sambalpur vide letter No.1246/Mines, Dt. 17.04.2025 and grade of the Coal determined as GCV-4148 (G-11).

Whereas, Sub-Collector, Sadar, Sundargarh requested to DDM, Rourkela for re-measurement of the physical coal stock available at Aryan Coal Washery, Kanika vide his letter No.5754, Dt.13.06.2025. Accordingly re-measurement has been carried out on dt.16.06.2025, dt.17.06.2025 & dt.23.06.2025 by the Officials of DDM, Rourkela along with Executive Magistrate-cum- Tehsildar, Hemgir, AGM, ACB (India) Ltd. and physical stock of raw Coal found to be 47498.077MT and show cause notice issued to ACB (India) Ltd. for such discrepancies.

Whereas, Sub-Collector, Sadar, Sundargarh requested to DDM, Rourkela for re-measurement of the physical coal stock available at Aryan Coal Washery, Kanika vide his letter No.5754, Dt.13.06.2025. Accordingly re-measurement has been carried out on dt.16.06.2025, dt.17.06.2025 & dt.23.06.2025 by the Officials of DDM, Rourkela along with Executive Magistrate-cum- Tehsildar, Hemgir, AGM, ACB (India) Ltd. and physical stock of raw Coal found to be 47498.077MT and show cause notice issued to ACB (India) Ltd. for such discrepancies.

Whereas, M/s. ACB (India) Ltd. submitted a reply to the show cause notice on dt.01.07.2025 that, to prevent coal from fire, 9602.500MT Coal shifted outside washery premises subsequent coal stock measurement on dt.10.04.2025 and stocked at Plot No.54/2180 and the raw coal (-100mm) stock is lying at two places i.e. one inside Washery premises and another outside Washery measured by the Mines Department to the tune of 57092.503MT (47498.077+9594.426) against book stock of 60106.870MT. The raw Coal of 9602.500 MT. transported from washery from 10.04.2025 to 15.04.2025 comes as 9594.426 MT. (8.074 M.T. shortage which is negligible).

Whereas, SI, Hemgir PS in his letter dt.15.07.2025 also stated that, "on verification they found ACB (India) Ltd. was shifted raw coal of 9602.500MT between 10.04.2025 to 15.04.2025 using their own transportation to Plot No.54/2180, Khata No.251/653, Mouza-Kanika and requested this Office to opine whether the coal found inside and outside the washery premises were similar in size or not". Junior Mining Officer and Survey Asst. of this Office verified and found both coal were similar which has been intimated to Hemgir PS. Vide letter No.2409/Mines, dt.21.07.2025.

Whereas, SI, Hemgir PS in his letter dt.28.07.2025 intimated to DDM, Rourkela in their P.M. Form No.33A related to Hemgir PS Case No.143, dt.16.04.2025 that "the complaint registered under section 303(2)/317(2)/3(5) BNS R/w 21 MMDR Act, has been reported to the Civil-judge-cum-JMFC, Hemgir, Sundargarh to be Mistake of Fact or Law Investigation refused". Further in response to this Office letter No.2593/Mines, Dt.04.08.2025, SI, Hemgir PS in his letter No.5150/Hemgir PS, Dt.06.08.2025 submitted the present position of Case No.143, dt.16.04.2025 related to seizure of 9594.426MT Coal and reported that, after completion of the investigation of Hemgir P.S. Case No.143, dt.16.04.2025 U/s 303(2)/317(2)/3(5) BNS R/w Section 21 of the MMDR Act,1957, the Investigation Officer, SI, M. Sahu, submitted the Final Report (FR) vide FR No.143, dated 28.07.2025 U/s 303(2)/317(2)/3(5) BNS R/w Section 21 of the MMDR Act,1957 "as a Mistake of fact" and the seized coal may be disposed at your end as per rules and also informed that, from the investigation it is ascertain the above seized coal i.e. 9594.426MT Coal transported and shifted outside of the washery due to prevent catch fire.

Whereas, The grade of the Coal from the said stock determined as GCV 4148 (G-11) by the Analytical Chemist, Zonal Laboratory, Sambalpur was challenged by the licensee company and produced relevant supporting documents towards procurement of Coal vide their letter on dt.20.08.2025 and request for re-sampling. Basing on the request of the license company DDM, Sambalpur requested vide this Office letter No.2783/Mines, Dt.21.08.2025 to depute competent person from the Zonal Laboratory, Sambalpur to ascertain the actual grade of the Coal from the seized Coal stock over Plot No.54/2180, Khata No.251/653 under Hemgir Tehsil. Accordingly samples from the said stock has been collected jointly by the Junior Laboratory Technician, O/o the DDM, Sambalpur along with Sri M.C. Hembram, JMO, O/o the DDM, Rourkela and representative of ACB (India) Ltd. on dt.26.08.2025 and analyzed in presence of the same persons where the grade determines as GCV-3112 (G-14) which similar to the grade as submitted by the licensee company ACB (India) Ltd. for procurement of the seized Coal.

Whereas, Sri M.C. Hembram, Junior Mining Officer reported on dt.04.09.2025 that the physical available of raw Coal (Auction) is 0.000MT in account of Parammitter Realter Pvt. Ltd. where in books of account it is 9666.000 MT and physical available of washed Coal is 2787.460MT where in books of account it is 2787.460 MT for the period from dt.01.03.2025 to dt.03.09.2025 in respect of ACB (India) Ltd. and the stock position of Coal maintained by the license as per books of accounts differs from that physically available at the plant site which violates Rule 7(ii) of OM (PTSIMRPST&T) Rules, 2007 and its amendment.

Whereas, Basing on the report of the Junior Mining Officer, penalty of Rs.5,00,000/- imposed against M/s. ACB (India) Ltd. which has been deposited by the licensee company vide cyber treasury e-challan reference No.3A6B4F77F3, Dt.08.09.2025 towards violation of OM (PTSIMRPST&T) Rules, 2007 and submit an undertaking that in future if any amount such as taxes, royalty & cost price etc. arises on this issue (9594.426MT of Coal) regarding its legality etc. will pay as per demand and admitted not to commit such type of mistake in future.

Therefore, raw Coal of 9594.426MT seized by Sri B.D. Sethi, Deputy Director of Mines, Rourkela is hereby released in favour of M/s. ACB (India) Ltd.

*Mees*  
28/9/25  
Deputy Director of Mines,  
Rourkela.

*Card P-36*

110

23.

Memo No. 3006 /Mines, Dt. 08/09/2025  
 Copy to M/s. ACB (India) Ltd., At-Kanika, PO-Hemgir, Dist-Sundargarh for information & necessary action.

*[Signature]*  
 Deputy Director of Mines,  
 Rourkela.

Memo No. 3007 /Mines, Dt. 08/09/2025  
 Copy to the Sri M.C. Hembram, Jr. Mining Officer for information and necessary action. He is requested to hand over 9594.426MT of raw Coal to M/s. ACB (India) Ltd. with proper Zimmanama.

*[Signature]*  
 Deputy Director of Mines,  
 Rourkela.

Memo No. 3008 /Mines, Dt. 08/09/2025  
 Copy forwarded to the SI, Hemgir PS for information and necessary action.

*[Signature]*  
 Deputy Director of Mines,  
 Rourkela.

Memo No. 3009 /Mines, Dt. 08/09/2025  
 Copy forwarded to the Tahasildar, Hemgir for information and necessary action.

*[Signature]*  
 Deputy Director of Mines,  
 Rourkela.

Memo No. 3010 /Mines, Dt. 08/09/2025  
 Copy forwarded to the Sub-Collector, Sadar, Sundargarh for information and necessary action.

*[Signature]*  
 Deputy Director of Mines,  
 Rourkela.

Memo No. 3011 /Mines, Dt. 08/09/2025  
 Copy forwarded to the SDPO, Sadar, Sundargarh for information and necessary action.

*[Signature]*  
 Deputy Director of Mines,  
 Rourkela.

Memo No. 3012 /Mines, Dt. 08/09/2025  
 Copy forwarded to the Collector & District Magistrate, Sundargarh for kind information and necessary action.

*[Signature]*  
 Deputy Director of Mines,  
 Rourkela.

Memo No. 3013 /Mines, Dt. 08/09/2025  
 Copy forwarded to the Director of Mines & Geology, Odisha, Bhubaneswar for kind information and necessary action.

*[Signature]*  
 Deputy Director of Mines,  
 Rourkela.



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**Before The Hon'ble National Green Tribunal, Eastern Zone Bench At Kolkata Original Application No. 41 of 2026/EZ Dilip Kumar Samantaray – Versus – The State of Odisha & Ors.**

---

**From** Debayan Sen <debayan.sen@foxandmandal.co.in>

**Date** Mon 5/18/2026 2:52 PM

**To** akhand111@gmail.com <akhand111@gmail.com>

**Cc** Mahima Cholera <mahima.cholera@foxandmandal.co.in>; Niket Ojha <niket.ojha@foxandmandal.co.in>

1 attachment (21 MB)

Affidavit- in - opposition \_ Respondent No. 9.pdf;

Mr. Akhand

Advocate

Representing the Applicant

Dear Sir,

Before The Hon'ble National Green Tribunal,

Eastern Zone Bench At Kolkata

Original Application No. 41 of 2026/EZ

Dilip Kumar Samantaray

– Versus –

The State of Odisha & Ors.

I am acting on behalf of ACB (India) Limited, the respondent No. 9 in the subject application.

Kindly find enclosed herewith the affidavit-in-opposition on behalf of my client, in the subject matter.

Kindly acknowledge.

Yours faithfully,



Enclo:-As above

## Debayan Sen

Principal Associate



**FOX & MANDAL**  
SOLICITORS & ADVOCATES  
Estd. 1896

Bengaluru | **Kolkata** | Mumbai | New Delhi

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**IFLR1000**

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**VAKALATNAMA**

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

**Original Application No. 41 of 2026/EZ**

**IN THE MATTER OF:**

Dilip Kumar Samantaray

... Applicant

– Versus –

The State of Odisha & Ors.

... Respondents

**KNOW ALL MEN BY THESE** that We M/s ACB (India) Limited, the respondent No. 9 herein do hereby in our name and our behalf constitute and appoint the advocates named below to be our true and lawful Advocates & attorneys to appear and act for 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 form us out of Court, withdrawing custody and other fees and doing on my/our behalf such other acts, in the above matter as are necessary and proper.

We hereby agreeing to ratify and confirm all acts so done by the said advocates or attorneys as our own acts and as if done by us to all intents and purposes.

Date:

**NAME OF THE ADVOCATES**



*Debayan Sen*

Debayan Sen  
Advocate

F/128/295 of 2015  
9007319418

C/o Fox & Mandal  
Solicitors & Advocates

12, Old Post Office Street, Kolkata - 700 001

**BEFORE THE HON'BLE NATIONAL  
GREEN TRIBUNAL,  
EASTERN ZONE BENCH AT KOLKATA  
Original Application No. 41 of 2026/EZ**

Dilip Kumar Samantaray

... Applicant

– Versus –

The State of Odisha & Ors.

... Respondents

**AFFIDAVIT-IN-OPPOSITION ON  
BEHALF OF RESPONDENT NO. 9**

Debayan Sen  
Advocate  
C/o. Fox & Mandal,  
Advocates,  
12, Post Office Street,  
Kolkata – 700 001.