

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

O.A. NO. 426 OF 2022

IN THE MATTER OF:

Dasai Munda & Ors.

... Applicants

Versus

State of Jharkhand & Ors.

... Respondents

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Place: NEW DELHI
Dated: 18/07/2023



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BEFORE THE NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH, NEW DELHI

O.A. NO. 426 OF 2022

S.No. 9980
11.7.2023

IN THE MATTER OF:

Dasai Munda & Ors. ... Applicant

Versus

State of Jharkhand & Ors. ... Respondent

ADDITIONAL AFFIDAVIT BRINGING ON RECORD SUBSEQUENT DEVELOPMENTS REGARDING EXPANSION OF EXISTING STEEL PLANT TO INTEGRATED STEEL PLANT

I, SANJOY GHOSH, S/o Lat Santosh Kumar Ghosh, working as President with M/s Nilachal Iron and Power Ltd. with office at Kandha, Sazaikeela do hereby solemnly affirm and state that I have sufficient knowledge from record and from personal experience to affirm the present affidavit, as under:

1. The present Affidavit is being filed on behalf of M/s Nilachal Iron and Power Ltd. (hereinafter "Nilachal" or "NIPL") in bona fide to bring on record all subsequent developments which are essential for the adjudication of the present O.A.
2. That the Answering Respondent has already filed its reply to the O.A. and reply/ objections to inspection committee report on 14.12.2022.

Further, in compliance with the orders dated 05.01.2023, the Answering Respondent has filed an Additional Reply dated 10/04/2023 furnishing additional details as sought by this Ld. Tribunal.

It is prayed that the contents of the same be read herein and are not repeated for the sake of brevity.

That the Answering Respondent has already brought on record before this Ld. Tribunal that NPIL had proposed an expansion project



11.7.2023
Kshetra Mohan Mahata
NOTARY PUBLIC
Seraikella-Kharsawan

Verified by me and signed
out Ld. Tribunal in my presence.
Kunal Ratan
Advocate

Sanjay Ghosh
(Sanjay Ghosh)

of its existing steel plant - "expansion of existing steel plant to Integrated Steel Plant through installation of 1800 TPD (3x600 TPD) DRI kilns along with Beneficiation Plant for Iron ore (1X0.6 MTPA), Pellet Plant (1x0.6 MTPA), Steel Melting Shop (2x25 T + 4x15 T Induction Furnaces) with matching LRF & CCM, Rolling Mill (0.35 MTPA), Ferro alloy Plant (4x16.5 MVA), Briquette plant for Chrome Ore (1x30 TPH), Oxygen plant (100 TPD) and 82 MW (57 MW WHRB based + 25 MW AFBC based) Captive Power Plant with MoEF&CC through consultation of M/s Envirotech East Pvt. Ltd.

4. That the process of obtaining EC was at an advanced stage. That Terms of Reference dated 06.09.2020 had been issued for the extended plant. Vide letter dated 25.10.2022, the JSPCB also forwarded the minutes of public hearing for the extended plant.
5. That however, Jharkhand Pollution Control Board imposed penalty on NIPL for violation thereby ascribing it of "violation category". Further Inspection was made by MoEF&CC IRO Ranchi with Ref. No.: 103-270/10/EPE/63 dated 25/01/2022 for "Monitoring of Expansion of Sponge Iron Plant (350 TPD) into Integrated Steel Plant and the inspection committee had pointed out certain compliances. In view of inspection report with Ref. No.: 103-270/10/EPE/63 dated 25/01/2022, NIPL has submitted all compliances with relevant documents accordingly to MoEF&CC IRO Ranchi dated 20.03.2023 for further verification of documents from IRO Ranchi office. In response to letter dated 20.03.2023, again the inspection was done after compliances dated 28.03.2023 and the necessary compliances were under process of being completed by NIPL.

The said position of facts is already before the Ld. Tribunal.



Jeon 11.7.2023

Kshetra Mohan Mahato
NOTARY PUBLIC
Seraikella-Kharsawan

Identified by me and signed
but L. T. is my Presence
Kunal Pat
Advocate

gln
ADVOCATE
(Savio Ghosh)

6. It is most respectfully submitted that the Answering Respondent is a conscientious entity. NPIL has been consistently following all compliances and legal processes to ensure it operates within the contours of law. The Answering Respondent completed all compliances and by way of application dated 29.05.2023 sought for amendment in Terms of Reference accorded by the Ministry vide no. J-11011/662/2008-IAII(I) dated 06.09.2020 and subsequent amendment dated 12.02.2021 for appraisal of proposal under violation category as per the provisions contained in the MoEF&CC Standard Operating Procedure dated 07.07.2021.
7. That it is relevant to note that in the Minutes of Meeting for the 35th Meeting of the Expert Appraisal Committee meeting- Industrial Projects to be held from 06/06/2023 conducted by the Ministry of Environment, Forest and Climate Change- IA Division, the Application/ proposal of the Answering Respondent was considered. The Committee also elucidated therein the pendency and factum of the present proceedings i.e. O.A. No. 426/ 2022.
8. The committee highlighted in great detail the proposal of the Answering Respondent which had comprehensive analysis of the facts leading up to the filing of Application dated 29.05.2023. (The discussion can be found in the attached document and is not mentioned in great detail herein in the interest of brevity) and recommended the issuances of update of ToRs to the Answering Respondent. The recommendation was as follows:

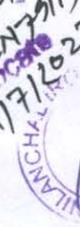
After deliberations, the Committee recommended the proposal, subject of uploading the written submission on Parivesh portal, for amendment in ToR granted vide no. J-11011/662/2008-IAII(I) dated 06.09.2020 and subsequent amendment dated 12.02.2021 subject to stipulation of following additional conditions. The other terms and



Jeonr. 11.9.2023
Kshetra Mohan Mahato
NOTARY PUBLIC
Seraikella-Kharsawan

Identified by me and signed
out L. T. In my Presence

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EXT 79119
Arum Gole
(11/7/2023)



(Sangay Ghosh)

conditions of ToR dated 06.09.2020 and subsequent amendment dated 12.02.2021 shall remain the same, if applicable to the modified project facilities.”

A copy of the relevant Minutes of Meeting dated 10.06.2023 for the 35th Expert Appraisal Committee meeting- Industrial Projects held on 06.06.2023 is attached hereto and marked as ANNEXURE AF-1

9. That in light of the submissions made hereinabove and keeping in view the previous replies and Affidavits on record, it is submitted that the Answering Respondent is ever engaged in complying with all provisions of law as can be seen from the record. Thus, it is prayed that this Ld. Tribunal take into consideration the same and consider the case of the Answering Respondent in a favourable light.

Identified by me and Signed
Put LTA in my Presence
DEPONENT
Kunal Rana
Arhachan
CT/17/2021

VERIFICATION:

Verified at Saraikeela on this 11th day of July, 2023 that the contents of the above affidavit are true and correct to my knowledge, no part of it is false and nothing material has been concealed therefrom.



Identified by me and Signed
Put LTA in my Presence
DEPONENT
(Sanjay Ghosh)

Mr./Mrs. Sanjay Ghosh
Who is identified by Kunal Rana
Advocate solemnly affirmed
and declared before me
11-7-2023

Identified by me and Signed
Put LTA in my Presence
DEPONENT
Kunal Rana
Arhachan
CT/17/2023

KSHETRA MOHAN MAHATO
NOTARY PUBLIC
Saraikeela Kharsawan

GOVERNMENT OF INDIA
MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE
(IA DIVISION-INDUSTRY-1 SECTOR)

Dated: 10.06.2023

Date of Zero Draft MoM sent to EAC: 07.06.2023

Approval by Chairman: 09.06.2023

Uploading on PARIVESH: 10.06.2023

MINUTES OF THE 35TH EXPERT APPRAISAL COMMITTEE
(INDUSTRY-1 SECTOR) MEETING HELD ON 6TH JUNE, 2023

Venue: Ministry of Environment, Forest and Climate Change, Indira Paryavaran Bhawan, Jor Bagh Road, New Delhi - 110003 through Video Conferencing

Time: 10:30 AM onwards



(i) Opening Remarks by the Chairman, EAC

Shri. Rajive Kumar, Chairman EAC welcomed the Committee members and opened the EAC meeting for further deliberations.

Shri. Rajive Kumar also appreciated the efforts of the Ministry's Team (Industry 1 Sector) for preparation and uploading the agenda of the EAC meetings and draft record of discussion very scientifically, systematically and timely on Parivesh Portal.

(ii) Details of Proposals and Agenda by the Member Secretary

Dr. R. B. Lal, Scientist 'F' & Member Secretary, EAC (Industry-1 Sector) apprised to the Committee about the details of Agenda items to be discussed during this EAC meeting.

(iii) Confirmation of the Minutes of the 32nd, 33rd and 34th Meeting of the EAC (Industry-1 Sector) held during 26th, 29th, 30th and 31st May, 2023 at MoEF&CC through VC.

The EAC, having taken note that final minutes were issued after incorporating comments offered by the EAC (Industry-1 Sector) members on the minutes of its **32nd, 33rd and 34th Meeting of the EAC (Industry-1 Sector) held during 26th, 29th, 30th and 31st May, 2023** conducted through Video Conferencing, and noted that there is no modifications/factual correction, in the minutes of the 32nd, 33rd and 34th EAC meetings for the project/activities.

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Consideration of Modification in Terms of Reference**Agenda No. 35.5**

- 35.5 **Proposed expansion of existing steel plant to Integrated Steel Plant through installation of 1800 TPD (3x600 TPD) DRI kilns along with Beneficiation Plant for Iron ore (1X0.6 MTPA), Pellet Plant (1x0.6 MTPA), Steel Melting Shop (2x25 T + 4x15 T Induction Furnaces) with matching LRF & CCM, Rolling Mill (0.35 MTPA), Ferro alloy Plant (4x16.5 MVA), Briquette plant for Chrome Ore (1x30 TPH), Oxygen plant (100 TPD) and 82 MW (57 MW WHRB based + 25 MW AFBC based) Captive Power Plant by M/s Nilachal Iron And Power Ltd. located Ratanpur-Kandra Village, Gamharia Block, District Saraikela-Kharsawan, Jharkhand- Consideration of Modification of Terms of Reference under SOP dated 07.07.2021 [Violation case].**

[Proposal No. IA/JH/IND1/429379/2023, File No. F. No. 11011/662/2008-IA-II(I)]

- 35.5.1 M/s Nilachal Iron and Power Ltd. has made an application online vide proposal No:- IA/JH/IND1/429379/2023, dated 29.05.2023 along with with the application in prescribed format - Form 3 (CAF, Form – I Part A & B) and revised PFR and sought for amendment in Terms of Reference accorded by the Ministry vide no. J-11011/662/2008-IAII(I) dated 06.09.2020 and subsequent amendment dated 12.02.2021 for appraisal of proposal under violation category as per the provisions contained in the MoEF&CC Standard Operating Procedure dated 07.07.2021 as PP has commenced part of the project implementation of its expansion proposal for which the company obtained ToR i.e. the plant activities were started without having any prior EC. Also PP has also reported that earlier proposal of the company (for which ToR was granted on 12.02.2021) has been revised and downsized, based on the feasibility of the existing market scenario and therefore requested for modifications accordingly.
- 35.5.2 Name of the EIA consultant: M/s. Envirotech East Pvt. Limited [List of ACOs with their Certificate / Extension Letter no. NABET/EIA/2225/RA 0279; valid upto 12.09.2025, as on June 2, 2023].

Details submitted by Project proponent

- 35.5.3 M/s Nilachal Iron and Power Ltd. had initially applied for Terms of Reference vide proposal no. IA/JH/IND1/11176/2019, dated 06.08.2020 for proposed expansion of existing steel plant to Integrated Steel Plant through installation of 1800 TPD (3x600 TPD) DRI kilns along with Beneficiation Plant for Iron ore (1X0.6 MTPA), Pellet Plant (1x0.6 MTPA), Steel Melting Shop (2x25 T + 4x15 T Induction Furnaces) with matching LRF & CCM, Rolling Mill (0.35 MTPA), Ferro alloy Plant (4x16.5 MVA), Briquette plant for Chrome Ore (1x30 TPH), Oxygen plant (100 TPD) and 63 MW (38 MW WHRB based + 25 MW AFBC based) capacity Captive Power Plant. Accordingly, ToR was granted by the Ministry vide no. J-11011/662/2008-IAII(I) dated 06.09.2020. Thereafter, PP has applied for amendment in ToR and accordingly the ToR was amended by the Ministry vide letter dated 12.02.2021.

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35.5.4 The instant proposal is for amendment in Terms of Reference accorded by the Ministry vide no. J-11011/662/2008-IAII(I) dated 06.09.2020 and subsequent amendment dated 12.02.2021 for appraisal of proposal under violation category as per the provisions contained in the MoEF&CC Standard Operating Procedure dated 07.07.2021 as PP has commenced part of the project implementation of its expansion proposal for which the company obtained ToR i.e. the plant activities were started without having any prior EC. Also PP has also reported that earlier proposal of the company (for which ToR was granted on 12.02.2021) has been revised and downsized, based on the feasibility of the existing market scenario and therefore requested for modifications accordingly. The details of violation and changes in the instant proposal are as follows:

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Details of Violation						
S. N.	Facility	EC details	CTE details	CTO details	Imple	
					Constructi	
					Start	
1	1 X 350 TPD DRI Kiln (1,05,000 TPA DRI)	-	17.12.2003 (JSPCB ref. F.No.: 307)	JSPCB/HO/RNC/ CTO-	December. 2003	M
2	2 X 100 TPD DRI Kiln (60,000 TPA DRI)	24.12.2009 J-11011/662/2008- IA-II(I)	01.04.2009 (JSPCB ref. A.No.:10094)	14798208/2023/9 86 dated 06.06.2023 valid till 30.06.2024	April 2009	M
3	1 X 12 MW CPP (WHRB)	24.12.2009 J-11011/662/2008- IA-II(I)	26.03.2020 (JSPCB ref. F.No.: JSPCB/HO/RNC/CTE- 61 19599/2020/168)		March 2020	.
4	1 X 600 TPD DRI Kiln(1,98,000 TPA DRI)	-	-	-	September 2020	.
5	1 X 600 TPD DRI Kiln (1,98,000 TPA DRI)	-	-	-	June 2022	Ja
6	37 MW CPP (WHRB)	-	-	-	August 2021	/
7	Induction Furnace (3 X 10 T) 99,000 TPA Billets	-	-	-	June 2020	M
8	Induction Furnace (4 X 15 T) 1,98,000 TPA Billets	-	-	-	May 2022	/
9	Rolling Mill (2,30,000 TPA)	-	-	-	June 2020	M

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35.5.5 **Details of amendments in the configuration and capacities sought:**

The revised expansion proposal (earlier TOR vis-à-vis TOR amendment) is being tabulated below:

Sl. No.	Unit	Capacity		
		Existing Capacity (as per EC/CTE)	As per Previous TOR (Ref. F. No. J-11011/662/2008-IAII(I) dated 12.02.2021)	Proposed Amendment in TOR dated 12.02.2021
1	Beneficiation Plant	-	6,00,000 TPA	Dropped
2	Pelletisation Plant	-	6,00,000 TPA	Dropped
3	Sponge Iron Plant	550 TPD (1 X 350 TPD & 2 X 100 TPD)	1800 TPD (3 X 600 TPD)	1200 TPD (2 X 600 TPD)
4	Steel Melting Shop (SMS) with matching LRF & CCM	-	Induction Furnaces (2x25 T + 4x15 T)	Induction Furnaces (3X10 T + 4x15 T)
5	Rolling Mill (Liquid Steel)	-	3,50,000 TPA	2,30,000 TPA
6	Ferro Alloy Plant	--	4 x 16.5 MVA	Dropped
7	Chrome ore briquette plant		30 TPH	Dropped
8	Oxygen Plant	-	100 TPD	Dropped
9	Captive power plant	12 MW (WHRB)	70 MW (45 MW WHRB + 25 MW AFBC)	49 MW (37 MW WHRB + 12MW AFBC)

35.5.6 **Details of other changes in the instant proposal are as follows:**

Sl. No.	Attributes	As per Previous TOR dated 12.02.2021	As per proposed amendment in TOR dated 12.02.2021	Remarks (In comparison with the TOR dated 12.02.2021)
1	Land Requirement	80.93 Ha (200 Acres)	34.80 hectares (86 acres).	Reduction (57%)
2.	Water Requirement	4534 KLD	2780 KLD	Reduction (39%)
3.	Power Requirement	123.7 MW	62.2 MW	Reduction (50%)
4.	Project Cost	Rs. 1350 Crores	Rs. 493.03 Crores	Reduction (63%)

35.5.7 **Reasons for Amendment / Violation Details:**

The PP has reported the following:

- The company planned to expand the existing steel plant to Integrated Steel Plant through installation of 1800 TPD (3x600 TPD) DRI kilns along with Beneficiation Plant for Iron ore (1X0.6 MTPA), Pellet Plant (1x0.6 MTPA), Steel Melting Shop (2x25 T + 4x15 T Induction Furnaces) with matching LRF & CCM, Rolling Mill (0.35 MTPA), Ferro alloy Plant (4x16.5 MVA), Briquette plant for Chrome Ore (1x30 TPH), Oxygen plant (100 TPD) and 82 MW (57 MW WHRB based + 25 MW AFBC based) Captive Power Plant.
- In accordance with EIA Notification, 2006 and its subsequent amendments, the company had applied for grant of TOR to MoEF&CC by submitting PFR, Form-1 and other relevant documents.
- Terms of Reference (ToR) was granted on 06.09.2020 which was further amended on 12.02.2021. Ref. File No. J-11011/662/2008-IA-II(I),
- As per the terms stipulated in the granted ToR (amended), public hearing was successfully conducted on 27.09.2021.
- Due to huge socio-economic pressure during COVID pandemic period, M/s. Nilachal Iron & Power Limited was compelled to commence part of the project implementation of its expansion proposal for which the company obtained ToR and conducted successful public hearing, i.e. the plant activities were started without having any prior EC.
- Although the project implementation was started on the basis of huge social interest, but it was a violation case under EIA notification, 2006 and its subsequent amendments. Therefore, PP has requested for appraisal of proposal under violation category as per the provisions contained in the MoEF&CC Standard Operating Procedure dated 07.07.2021.
- Also PP has also reported that earlier proposal of the company (for which ToR was granted on 12.02.2021) has been revised and downsized, based on the feasibility of the existing market scenario and therefore requested for modifications accordingly.

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35.5.8 Summary of court cases/ directions / litigations:

(11)

A. Summary of Hon'ble NGT case:

- There is a case lodged complaint against the company before Hon'ble NGT on 18.06.2021. The complaint was related to commencement of construction of DRI plant, SMS plant without any prior EC/CTE.
- Hon'ble NGT Principal Bench ordered (O.A. 426/2021) on 25.01.2022 to know the Factual position through a Joint committee site visit comprising of CPCB, JSPCB, SEIAA, DM of Saraikela Kharswan.
- Accordingly, the Joint Committee visited the project site on 29.03.2022 reported about erection of DRI plant, SMS and Rolling Mill without any prior EC/CTE.
- Hon'ble NGT Principal Bench further ordered (O.A. 426/2021, order date 05.01.2023) JSPCB to take appropriate proceedings for imposition of environmental compensation.
- Under the provision of O.M. of MoEF&CC, F. No. 22-21/2020-IA.III, dated 7th July, 2021 bearing subject 'Standard Operating Procedure (SoP) for identification and handling of violation cases under EIA notification 2006 in compliance to **order of Hon'ble National Green Tribunal in Q.A. 34/2020 WZ**' JSPCB directed the company to deposit Rs. 5,36,32,000/- towards penalty against violation case under EIA Notification.
- Abiding by the directive of JSPCB, the project proponent has already deposited the required amount based on the calculation (*1% of the total project cost under violation plus 0.25% of the total turnover for the period of operation after implementation*) as mentioned therein.
- Besides, NGT in its order dated 05.01.2023 directed to comply with the following matters:
 1. Rs.23,62,500 deposited by NIPL towards environmental compensation - to be spent on restoration of environment in the locality through DFO/DM and action taken report to be sent to the NGT within three months by JSPCB. The same was complied with the submission of ATR dated 06.03.2023.
 2. JSPCB is directed to check whether the 12 MW CPP was installed in 2018 alongwith CTE/CTO. It was submitted that MoEF&CC, Govt. of India vide its letter no. 22-24/2018-IA.III dated 23.01.2019 has exempted the Thermal Power Plant using Waste Heat Recovery Boiler without any auxiliary fuel from obtaining the Environmental Clearance.
- Further Hon'ble NGT (vide order dated 05.01.2023) directed NIPL to submit EC compliance, CSR, GBD and application for EC of expansion within three months.
- In the context of Hon'ble NGT order dated 05.01.2023, NIPL has submitted TOR amendment application vide proposal No. IA/JH/IND1/429379/2023, dated 16.05.2023.

B. Summary of Direction issued by Jharkhand State Pollution Control Board:

- In compliance to the direction issued by Hon'ble NGT Principal Bench, New Delhi, JSPCB vide letter Ref. No. B-295 dated 09.02.2023, directed PP to submit the documents w.r.t. the EC/CTE/CTO of the 12 MW Power Plant installed by PP in 2018 and details w.r.t. the

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construction and operational status of the expanded plant. The information was submitted by project proponent to JSPCB vide letter dated 16.02.2023.

- Further, based on the submission of PP and under the provision of the MoEF&CC O.M. dated 7th July 2021, JSPCB issued direction under section 33(A) of Water (Prevention & Control of Pollution) Act, 1974 and under section 31(A) of the Air (Prevention & Control of Pollution) Act, 1981 to project proponent to pay penalty amount based on the calculation (1% of the total project cost under violation plus 0.25% of the total turnover for the period of operation after implementation) as mentioned therein.
- As per the calculation, the Project Proponent deposited a Bank Demand Draft (D.D. No. No. 507592) amounting Rs. 5,36,32,000.00 (i.e Rupees Five Crores Thirty-Six Lakh Thirty-Two Thousand only) in favour of "Member Secretary, Jharkhand State Pollution Control Board, Ranchi" and intimated the same to JSPCB vide letter dated 05.04.2023.

Written representations:

35.5.9 During the meeting, based on the deliberations made by the EAC, the project proponent through email dated 06.06.2023 submitted the following information:

Sl. No.	Issue raised by EAC	Reply of PP
1.	Brief Summary of the project proposal	Revised brief summary has been submitted by the project proponent.
2.	Documents pertaining to Hon'ble NGT case	<p><u>Summary of Hon'ble NGT case:</u></p> <ul style="list-style-type: none"> • Mr. Dasai Munda lodged complaint against the company before Hon'ble NGT on 18.06.2021. The complaint was related to commencement of construction of DRI plant, SMS plant without any prior EC/CTE. • Hon'ble NGT Principal Bench ordered (O.A. 426/2021) on 25.01.2022 to know the Factual position through a Joint committee site visit comprising of CPCB, JSPCB, SEIAA, DM of Saraikela Kharswan. • Accordingly, the Joint Committee visited the project site on 29.03.2022 reported about erection of DRI plant, SMS and Rolling Mill without any prior EC/CTE. • Hon'ble NGT Principal Bench further ordered (O.A. 426/2021, order date 05.01.2023) JSPCB to take appropriate proceedings for imposition of environmental compensation. • Under the provision of O.M. of MoEF&CC, F. No. 22-21/2020-IA.III, dated 7th July, 2021 bearing subject 'Standard Operating Procedure (SoP) for identification and handling of violation cases under EIA notification 2006 in compliance to order of Hon'ble National Green Tribunal in Q.A. 34/2020 WZ' JSPCB directed the company to deposit Rs. 5,36,32,000/- towards penalty against violation case under EIA Notification. • Abiding by the directive of JSPCB, the project proponent has already deposited the required amount based on the calculation (1% of the total

Sl. No.	Issue raised by EAC	Reply of PP
		<p><i>project cost under violation plus 0.25% of the total turnover for the period of operation after implementation) as mentioned therein.</i></p> <ul style="list-style-type: none"> • Besides, NGT in its order dated 05.01.2023 directed to comply with the following matters: <ol style="list-style-type: none"> 1. Rs.23,62,500 deposited by NIPL towards environmental compensation - to be spent on restoration of environment in the locality through DFO/DM and action taken report to be sent to the NGT within three months by JSPCB. The same was complied with the submission of ATR dated 06.03.2023. 2. JSPCB is directed to check whether the 12 MW CPP was installed in 2018 alongwith CTE/CTO. It was submitted that MoEF&CC, Govt. of India vide its letter no. 22-24/2018-IA.III dated 23.01.2019 has exempted the Thermal Power Plant using Waste Heat Recovery Boiler without any auxiliary fuel from obtaining the Environmental Clearance. • Further Hon'ble NGT (vide order dated 05.01.2023) directed NIPL to submit EC compliance, CSR, GBD and application for EC of expansion within three months. • In the context of Hon'ble NGT order dated 05.01.2023, NIPL has submitted TOR amendment application vide proposal No. IA/JH/IND1/429379/2023, dated 16.05.2023. <p>The supporting documents related to the case are submitted. The details are also updated at para 35.5.8 above.</p>
3.	Affidavit from PP	<p>PP vide affidavit dated 06.06.2023 has declared that the facilities which have been implemented under violation are not operational presently and these facilities will remain closed till the grant of Environment Clearance, CTE and CTO.</p> <p>Further PP has assured that there will be no violation in future.</p>
4.	Land documents	<p>PP has submitted the details of the land under their possession in a tabular form along with the supporting documents.</p>

Deliberation by the Committee

35.5.10 The Committee noted the following:

- i. M/s Nilachal Iron and Power Ltd. had initially applied for Terms of Reference vide proposal no. IA/JH/IND1/11176/2019, dated 06.08.2020 for proposed expansion of existing steel plant to Integrated Steel Plant through installation of 1800 TPD (3x600 TPD) DRI kilns along with Beneficiation Plant for Iron ore (1X0.6 MTPA), Pellet Plant (1x0.6 MTPA), Steel Melting Shop (2x25 T + 4x15 T Induction Furnaces) with matching LRF & CCM, Rolling Mill (0.35 MTPA), Ferro alloy Plant (4x16.5 MVA), Briquette plant for Chrome Ore (1x30 TPH), Oxygen plant (100 TPD) and 63 MW (38 MW WHRB

based + 25 MW AFBC based) capacity Captive Power Plant. Accordingly, ToR was granted by the Ministry vide no. J-11011/662/2008-IAII(I) dated 06.09.2020. Thereafter, PP applied for amendment in ToR and accordingly the ToR was amended by the Ministry vide letter dated 12.02.2021.

- ii. The instant proposal is for amendment in Terms of Reference accorded by the Ministry vide no. J-11011/662/2008-IAII(I) dated 06.09.2020 and subsequent amendment dated 12.02.2021 for appraisal of proposal under violation category as per the provisions contained in the MoEF&CC Standard Operating Procedure dated 07.07.2021 as PP has commenced part of the project implementation of its expansion proposal for which the company obtained ToR i.e. the plant activities were started without having any prior EC. Also PP has also reported that earlier proposal of the company (for which ToR was granted on 12.02.2021) has been revised and downsized, based on the feasibility of the existing market scenario and therefore requested for modifications accordingly. The amendments / modifications are detailed in para 35.5.4, 35.5.5 and 35.5.6 above.
- iii. The PP has reported that due to huge socio-economic pressure during COVID pandemic period, M/s. Nilachal Iron & Power Limited was compelled to commence part of the project implementation of its expansion proposal for which the company obtained ToR and conducted successful public hearing, i.e. the plant activities were started without having any prior EC. Although the project implementation was started on the basis of huge social interest, but it was a violation case under EIA notification, 2006 and its subsequent amendments. Therefore, PP has requested for appraisal of proposal under violation category as per the provisions contained in the MoEF&CC Standard Operating Procedure dated 07.07.2021. Also PP has also reported that earlier proposal of the company (for which ToR was granted on 12.02.2021) has been revised and downsized, based on the feasibility of the existing market scenario and therefore requested for modifications accordingly.
- iv. The EAC also deliberated on the Violation reported by the project proponent and is agreed that project proponent has committed a violation by undertaking project implementation of its expansion proposal for which the company obtained ToR i.e. the plant activities were started without having any prior EC. Therefore, the proposal shall be appraised under violation category as per the provisions contained in the MoEF&CC Standard Operating Procedure dated 07.07.2021.
- v. The EAC noted that there is a case lodged complaint against the company before Hon'ble NGT on 18.06.2021. The complaint was related to commencement of construction of DRI plant, SMS plant without any prior EC/CTE. Taking into account the judgment of Hon'ble NGT in the instant case, along with the directions issued by JSPCB the EAC appraised the instant proposal. The EAC deliberated the proposal and is of the view that it is a violation case and be appraised as per provisions of the SOP dated 07.07.2021. The details of the cases are enumerated in para 35.5.8 above.
- vi. It has been reported that as per the terms stipulated in the granted ToR (amended), public hearing was successfully completed on 27.09.2021.

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- vii. The PP reported that under the provision of MoEF&CC O.M. dated 7th July 2021, the project proponent has already deposited the required amount based on the calculation (1% of the total project cost under violation plus 0.25% of the total turnover for the period of operation after implementation) as mentioned therein
- viii. The EAC further deliberated on the modifications proposed by the project proponent in the existing TOR and agreed to the changes requested. The EAC also deliberated the compliances of the SOP dated 07.07.2021 and EAC is of the view that the modification in TOR w.r.t. SOP dated 07.07.2021 may be considered.
- ix. The EAC directed the PP to submit the EC application immediately after the compliance of SOP dated 07.07.2021.
- x. The EAC also deliberated on the submitted written representation of project proponent and found it satisfactory.

Recommendations of the Committee

35.5.11 After deliberations, the Committee **recommended** the proposal, **subject of uploading the written submission on Parivesh portal**, for amendment in ToR granted vide no. J-11011/662/2008-IAII(I) dated 06.09.2020 and subsequent amendment dated 12.02.2021 subject to stipulation of following additional conditions. The other terms and conditions of ToR dated 06.09.2020 and subsequent amendment dated 12.02.2021 shall remain the same, if applicable to the modified project facilities:

- i. The PP needs to comply all the points of TOR for Violation Project and follow SOP dated 07.07.2021 issued by the Ministry of Environment, Forest & Climate Change, for identification & handling of Violation cases under EIA notification 2006.
- ii. The State Government/SPCB to take action against the project proponent under the provisions of the Environment (Protection) Act, 1986, and further no consent to operate to be issued till the project is granted EC for the Unit which violated under the provision of the EIA Notification 2006 i.e. 1.4 MTPA Iron Ore Pellet Plant.
- iii. Assessment of ecological damage with respect to air, water, land and other environmental attributes. The collection and analysis of data shall be done by an environmental laboratory duly notified under the Environment (Protection) Act, 1986, or an environmental laboratory accredited by NABL, or a laboratory of a Council of Scientific and Industrial Research (CSIR).
- iv. Preparation of EMP comprising remediation plan and natural and community resource augmentation plan corresponding to the ecological damage assessed and economic benefits derived due to violation.
- v. The remediation plan and the natural and community resource augmentation plan to be prepared as an independent chapter (13) in the EIA report by the accredited consultants.
- vi. Budget of remediation plan and natural and community resource augmentation plan corresponding to the ecological damage shall be completed within three years and to be prepared accordingly.
- vii. The project proponent shall require to submit a bank guarantee equivalent to the amount of remediation plan and natural and community resource augmentation plan with the CPCB prior to the grant of EC as per SOP dated 07.07.2021. The quantum shall be

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- recommended by the EAC and finalized by the regulatory authority. The bank guarantee shall be released after successful implementation of the EMP, followed by recommendations of the EAC and approval of the regulatory authority.
- viii. Project proponent shall implement penalty provisions i.e., 1% of project cost attributable to the expansion, incurred up to the date of filing of application along with the EIA/EMP report as contained in the paragraph 12 of the Standard Operating Procedure dated 7/07/2021 shall be complied with.

The meeting ended with thanks to the Chair.

T.C.




ADVANCE SERVICE.O.A. 426 of 2022; Dasai Mundai & Ors vs State of Jharkhand & Ors

1 message

Ashim Shridhar <chamberashimshridhar@gmail.com>
To: ranchijspcb@gmail.com

Tue, 18 Jul, 2023 at 6:09 pm

Sir/ Madam

Please find attached herewith two additional affidavits being filed on behalf of defendant no. 6- Nilachal Iron and Power Ltd in the captioned matter:

You are requested to ignore any previous emails regarding the filing of the Affidavits and treat this as the email for the filings.

Regards

Ashim Shridhar
Advocate

Chamber of Ashim Shridhar

B-4/227, Safdarjung Enclave, New Delhi- 110029

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