

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

O.A. NO. 426 OF 2022

IN THE MATTER OF:

Dasai Munda & Ors.

... Applicant

Versus

State of Jharkhand & Ors.

... Respondent

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**ASHIM SHRIDHAR
& NIYATI PATWARDHAN**
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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

IN THE MATTER OF:

Dasai Munda & Ors.

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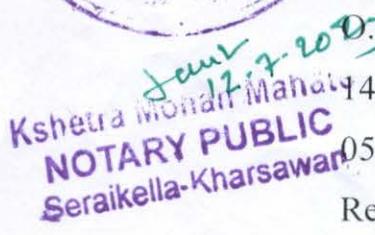
ADDITIONAL AFFIDAVIT BRINGING ON RECORD SUBSEQUENT DEVELOPMENTS REGARDING STATUTORY COMPLIANCES OF THE EXISTING STEEL PLANT RUN BY RESPONDENT NO. 6

I, SANJOY GHOSH, S/o of Santosh Kumar Ghosh, working as President with M/s Nilachal Iron and Power Ltd. with office at Kandha, Seraikela 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 qua the operation of its Steel Plant 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



Verified by me and Signed & Put L.T.A. in my presence.
Kumar Ghosh
E.M.H.

Stamp of Nilachal Iron and Power Ltd. with handwritten signature of Sanjoy Ghosh.

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

3. That it is a matter of record before this Ld. Tribunal that Respondent No. 6 had initially commissioned 350 TPD kiln and date of its commercial production was 01.04.2005. The Answering Respondent applied for and obtained the Consent to Establish and the Consent to Operate i.e. the CTE and CTO on 17.12.2003 and 04.02.2005 respectively.
4. It is submitted that the Answering Respondent has applied for renewals of relevant CTOs as and when required under law (the status of CTOs and CTEs has been attached along with reply to O.A. Page 17-26). That for the renewal of its CTO, as mandated from time to time, the Answering Respondent had already preferred Application dated 23.11.2022 to the Jharkhand State Pollution Control Board along with all the necessary documents.
5. That however, since the commencement of the present proceedings, on 06.06.2023, the Answering Respondent has successfully obtained renewal for the consent to operate (CTO) from JSPCB with Ref. No. JSPCB/HO/RNC/CTO-14798208/2023/986 dated 23.06.2023 for Sponge Iron Plant with capacity of 2 x 100 TPD and 1x350 TPD with validity till 30.06.2024. A copy of the CTO dated 06.06.2023 is attached hereto and marked as **ANNEXURE AR/2-1**

The CTO has been renewed by the Jharkhand State Pollution Board after analysing all the documents pertaining to the Answering Respondent and observing the latter to be complying with the general conditions such as maintaining Ambient Air

Identified by me and Signed
 Put L. 21. In my Presence
Rama Kant
En 23/11/23

Sanyal
Ghosh



June 12.7.2023
 Kshetra Mohan Mahato
 NOTARY PUBLIC
 Seraikella-Kharsawan

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Quality, managing solid waste, sufficient roads and tree cover within its plant. The fact the CTO has been renewed is but a clear indication that the Answering Respondent is and has been ensuring that all measures are taken to make its operations environmentally sustainable to the best of its abilities and as per the provisions of law.

7. That it is prayed that this Ld. Tribunal takes the sufficient developments and the conduct of the Answering Respondent into account. The present Affidavit is filed in bona fide and in the interest of justice and with the intent to disclose all the necessary information before this Ld. Tribunal.

SL. No 54
12-07-2023

(Sanjoy Ghosh)
DEPONENT

VERIFICATION:

Verified at Saraikela on this 12th 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.

Kshetra Mohan Mahato
NOTARY PUBLIC
Seraikella
Regd. No. 1057/D
26-6-22
Seraikela Kharsawan, Jharkhand Govt.

Sanjoy
12.7.2023
Kshetra Mohan Mahato
NOTARY PUBLIC
Seraikella-Kharsawan

(Sanjoy Ghosh)
DEPONENT

Who is identified by K. Rath
Advocate solemnly affirmed
and declared before me

Sanjoy
12.7.2023
KSHETRA MOHAN MAHATO
NOTARY PUBLIC
Seraikella-Kharsawan

Identified by me and signed
Put LTA in my Presence
Kumar Ratan
12/7/23



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JHARKHAND STATE POLLUTION CONTROL BOARD

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TOWNSHIP ADMINISTRATION BUILDING, HEC COMPLEX, DHURWA, RANCHI 834004
Telephone: 0651-2400850 (Fax)/ 2400851/2400852/2401847/2400979/2400139

Ref No. JSPCB/HO/RNC/CTO-14798208/2023/986

Dated : 2023-06-06

Consent to operate (CTO) under section 25 /26 of the Water (Prevention & Control of Pollution) Act, 1974 and under section 21 of the Air (Prevention & Control of Pollution) Act, 1981

1. Application (s) dated 2022-11-23 of Nilachal Iron & Power Ltd (550 TPD), Occupier Name :Ganga Dhar Bajpai for consent under section 25 (1)(b)/25 (1) (c)/26 of the Water (Prevention & Control of Pollution) Act, 1974 and under section 21(1) of the Air (Prevention & Control of Pollution) Act,1981..

2. Documents Relied Upon:

(a) The content of Consent-to-Establish (CTE) Ref No. 267 dated 17.12.2003;

(b) The content of Consent-to-Establish (CTE) Ref. No. 1839 Ranchi, Dated 01.04.2009 for Sponge Iron Plant-2 x 100 TPD, Sponge iron Plant-1 x 500 TPD, Captive Power Plant- 75 MW (WHRB & CFBC)- 75 MW, Coal Washery- 0.9 MTPA;

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

(d) The content of Consent-to-Operate (CTO) , vide Ref No. JSPCB/HO/RNC/CTO-6643985/2020/715 Dated : 2020-03-26 at Khata No. 1, 6, 7, 12, 13, 14 and 17, Plot No. 79 to 389 Area-56.0864 Acres Investment- Rs. 11250.00 Lac for Sponge Iron - 2 X 100 TPD and 1 X 350 TPD valid till 30.06.2021 with compliance report;

(e) The content of Inspection Report (I/R), dated 12.12.2022 and verification report signed on 11.04.23 in the light of reply submitted by the unit;

(f) The content of closure order under Section 33(A) and Under section 31(A) of Water and Air Act respectfully vide Board's Ref. No. B-746 dated 11.04.2023;

(g) The content of revocation letter vide Board's Memo No. B-1439 dated 17.05.2023 of closure order under Section 33(A) and Under section 31(A) of Water and Air Act respectfully;

(h) The content of land document details with Khata No., Plot No and Area annexed in reply as Annexure-IV;

3. The consent is granted under section 25 / 26 of the Water (Prevention & Control of Pollution) Act, 1974 and under section 21 of the Air (Prevention & Control of Pollution) Act, 1981 to operate the project in Mauza -Ratanpur , P S -Ratanpur , District -SERAIKELA KHARSAWAN , as follows:

Project	Site-Area	Investment (Rs)	Product & Capacity	Period of CTO
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	Plot Nos.	Area			Date of issue To
Before Expansion	Khata No. 1, 6, 7, 12, 13, 14 and 17, Plot No. 79 to 389	56.0864 Acres	12,100.04 Lac	Sponge Iron - 2 X 100 TPD and 1 X 350 TPD;	30/06/2024

(A) Specific Conditions:

1. That, the occupier shall raise the height of all stacks attached with air pollution control devices (APCD) up to 30 meter;
2. That, the occupier shall comply fugitive emission standards of 2000 $\mu\text{g}/\text{m}^3$ at a distance of 10 metre from raw material crusher and product handling areas etc.
3. That, the occupier shall provide separate electricity meter and totaliser for continuous recording of power consumption with all APCD. A logbook shall be maintained for recording of daily meterage of electricity meter connected to all APCDs. The amperage of the ID fan shall also be recorded continuously. Non functioning of APCD shall be recorded in the same logbook along with reasons for non-operation of the Pollution Control Equipment.
4. That, the occupier shall provide software controlled interlocking facility keeping in view of on-line
5. That, the safety cap/emergency stack of rotary kiln type plant, which is generally installed above the afterburner chamber (ABC) of feed end column should not be used for discharging untreated emission, bypassing the air pollution control device.
6. That, the occupier shall emission and effluent monitoring system to ensure stoppage of feed conveyor, so that the feed to the kiln would stop automatically, if emergency/safety cap of the rotary kiln is opened or ESP is non - operational.
7. That, the occupier shall provide software controlled interlocking facility keeping in view of on-line
8. That, the occupier shall install mechanically operated fitted with water mixing (spiral pug mill) system
9. That, the occupier having production capacity of 200 TPD or above shall install Atmospheric Liquidized Bed Combustion (AFBC) Boilers for generation of power with use of char.
10. That, the occupier shall make the approach road and roads within premises of the plant and work areas asphalted or concreted.
11. That, the occupier shall maintain logbook for daily record of Char production and its usage. The record shall be made available to officials of JSPCB during inspection of the plant.

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12. That, the occupier shall ensure Crushing and screening operation in shaded enclosed area.
13. That, the occupier shall make water sprinkling arrangement in areas around crushing and screening
14. That, the occupier shall make water sprinkling arrangement in areas around crushing and screening units, raw material heaps at unloading points, heavy vehicle movement areas, roads and waste dump sites etc.
15. That, the occupier shall have its conveyor belt for transporting the materials fully covered all along its way and transfer points of conveyor belt should also be covered and suction system should be connected to de-dusting equipment.
16. That, the occupier shall make extensive plantation of three tier all along the roads and boundary wall of the industry
17. That, the occupier shall, use the fly ash generated from AFBC boiler as per notification released by MoEF & CC, New Delhi "Fly Ash Notification" dated 14th September, 1999 and as amended on 25th January, 2016.
18. That, the occupier shall make arrangement for operation of the plant in such a way that all pollution control devices shall start before start of conveyor belt/plant operation and similarly all pollution control devices shall be put off only after stopping the operation of the plant.
19. That, the occupier shall install and operate the on-line emission monitoring system uninterruptedly and the online data should regularly be transmitted to the server of the Board.
20. That, the occupier shall in no case dispose of the solid waste including fly ash and bottom ash on any agricultural land and keep it within the plant premises. The occupier having plant capacity less than 200 TPD shall look for disposal of char in AFBC boiler of other plant. All the solid wastes shall be kept fully covered with wire mesh or soil coating. Different types of solid wastes generated shall be stored separately as per the guidelines of CPCB to avoid adverse effect on air quality and water region
21. That, the occupier shall install Closed Circuit Television (CCTV) camera for monitoring of operational status of APCDs and for observations of the same as and when required.
22. That, the occupier shall make arrangement for operation of the plant in such a way that all pollution control devices shall start before start of conveyor belt/plant operation and similarly all pollution control devices shall be put off only after stopping the operation of the plant.
23. That, the occupier shall submit compliance of conditions of CTO half yearly to the Board.
24. That, the occupier shall maintain zero trade effluent discharge and install a web cam at each outlets of the drain.
25. That, the occupier shall construct garland drain, toe wall and settling tanks for storage of solid wastes

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and raw materials separately and de-siltation of settling tanks shall be done regularly;

26. That the occupier shall submit application for renewal of consent under section 25 of the Water (Prevention & Control of Pollution) Act, 1974 and under section 21 of the Air (Prevention & Control of Pollution) Act, 1981 again 120 days to the date of expiry of this consent i.e. 30.06.2024 with requisite fee and documents showing compliance of all the above conditions.

27. That, the occupier shall in no case operate the EXPANDED PART of the unit;

(B) General Conditions :

- (1) That, the occupier shall maintain the **National Ambient Air Quality Standard** given below:

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S N	Pollutant	Time Weighted Average	Concentration in Ambient Air	
			Industrial, Residential, Rural and Other Area	Ecologically Sensitive Area (notified by Central Govt.)
(1)	(2)	(3)	(4)	(5)
1.	Sulphur Dioxide (SO ₂), µg/m ³	Annual 24 hours	50 80	20 80
2.	Nitrogen Dioxide (NO ₂), µg/m ³	Annual 24 hours	40 80	30 80
3.	Particulate Matter (size less than 10 µm) or PM ₁₀ , µg/m ³	Annual 24 hours	60 100	60 100
4.	Particulate Matter (size less than 2.5 µm) or PM _{2.5} , µg/m ³	Annual 24 hours	40 60	40 60
5.	Ozone(O ₃), µg/m ³	8 hours 1 hour	100 180	100 180
6.	Lead (Pb) µg/m ³	Annual 24 hours	0.50 1.0	0.50 1.0
7.	Carbon Monoxide (CO) mg/m ³	8 hours 1 hour	02 04	02 04
8.	Ammonia (NH ₃) µg/m ³	Annual 24 hours	100 400	100 400
9.	Benzene (C ₆ H ₆) µg/m ³	Annual	05	05
10.	Benzo(a) Pyrene(BaP) Particulate Phase only ng/m ³	Annual	01	01
11.	Arsenic (As) ng/m ³	Annual	06	06
12.	Nickel (Ni) ng/m ³	Annual	20	20

**Note : Serial no. 1 to 4 – Mandatory
Serial no. 5 to 12 As applicable for specific type of industry.**

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- (2) That, the occupier shall maintain the emission quality within the standard and the quantity, as follows:

S N	Parameter	Standard
1	Particulate Matter	100 µg/m ³

- (3) That, the occupier shall keep process effluent in close-circuit and the quality of effluent from other sources in conformity with the standard (s) and the discharge quantity as below:

S N	Parameter	Standard
1	Total Suspended Solids	100 mg/L
2	BOD	30 mg/L
3	COD	250 mg/L
4	Oil & Grease	10 mg/L

- (4) That, the occupier shall dispose of solid wastes as follows:

S N	Waste Type	Mode of Disposal
1	Hazardous Carbonaceous Wastes	In co-processing in high temperature furnaces or kilns
2	Hazardous Non-Carbonaceous Wastes	In TSDF
3	Non-Carbonaceous Non-Hazardous solid wastes/ Mine Over Burden	As a substitute of Soil or Mineral

- (5) That, the occupier shall keep D G Set(s) within acoustic enclosure and shall keep the height(s) of exhaust pipe(s) as per Central Pollution Control Board norm.
- (6) That, the occupier shall install and maintain Central Ground Water Board/ State Ground Water Directorate approved system of rain water harvesting-cum-ground water recharge and submit the photographic view of the structures within a month.
- (7) That, the occupier shall grow and maintain greenery of the project in the periphery and other available spaces and shall continue enhancing its plant density and biodiversity.
- (8) That, the occupier shall submit environmental statement with supporting stoichiometric calculations analyses reports, every year latest by 30th September of the next financial year.
- (9) That, the occupier shall submit report(s) duly monitored and issued by an NABL accredited / ISO 9001:2008 and OHSAS 18001:2007 certified laboratory in compliance sub-para (2), (3), (4) and (5) of paragraph 3 of this CTO yearly at required periodicity.

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- (10) That, this CTO is valid subjected to the validity of mining Lease/Mining Plan/Ecofriendly/Environmental Clearance, if applicable. In case of no renewal of Mining Lease/Mining Plan, this consent shall be treated as revoked automatically.
- (11) That, this CTO is issued from the environmental angle only and does not absolve the occupier from other statutory obligations prescribed under any other law or any other instrument in force. The sole and complete responsibility to comply with these conditions laid down in all other laws for the time-being in force, rests with the industry/ unit/ occupier.
- (12) That, this CTO shall not in any way, adversely affect or jeopardize the legal proceeding , if any, instituted in the past or that could be , instituted against you by the State Board for violation of the provisions of the Act or the Rules made there under.
- (13) That, the occupier shall comply with all applicable provisions of the Water (Prevention & Control of Pollution) Act, 1974; the Water (Prevention & Control of Pollution) Cess Act, 1977; the Air (Prevention & Control of Pollution) Act, 1981; and the Environment (Protection) Act, 1986 and Rules made there under.
4. **That, this CTO shall not absolve the occupier from making compliance of other statutory prescribed under any law or direction of courts or any other instrument for the time being in force.**
5. **That, this CTO is being issued on the basis of information/ documents/ certificate submitted by the unit. This CTO will be revoked if any of the information/documents/certificates/undertaking given by the occupier is found false/fictitious/forged in future.**
6. **The Order shall be valid subject to compliance of all other legal requirements applicable to the unit.**
7. **The State Board reserve the right to revoke, withdraw or make any reasonable variation / change / alteration in conditions of this consent.**

This is issued with the approval of the Competent authority

Yatindra Kumar Das Digitally signed by Yatindra Kumar Das
Date: 2023.06.06 13:20:56 +05'30'
(Y. K. Das)
Member Secretary

Dated : 2023-06-06

Memo No. : JSPCB/HO/RNC/CTO-14798208/2023/986

Copy to: M/s Nilachal Iron & Power Ltd (550 TPD), At - Ratanpur Kandra, Chandil Road, Dist - Saraikela Kharsawan/ Director of Industry, Government of Jharkhand, Ranchi/ Chief Inspector of Factories, Ranchi/ D.F O.- Saraikela Kharsawan/ D.M O.- Saraikela Kharsawan / Deputy Commissioner, Saraikela Kharsawan/ Regional Officer, Regional Office-Cum-Laboratory, Jamshedpur for information & necessary action.

Yatindra Kumar Das Digitally signed by Yatindra Kumar Das
Date: 2023.06.06 13:21:17 +05'30'
(Y. K. Das)
Member Secretary

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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

M: +91-99715 47353 | Email: ashim_shridhar@hotmail.com

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