

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI

OA NO. 165/2020

(Earlier OA No. 122/2015 WZ)

Samita Rajendra Patil & Ors.

... Applicants

v.

Jindal Steel Works & Ors.

... Respondents

Affidavit by the Applicant

I, Samita Rajendra Patil the Applicant in the present case do state on solemn affirmation that –

1. This present application against illegal mangrove destruction, destruction of *Kharbandisti*, large scale water and air pollution, illegal and unscientific dumping of hazardous chemical waste on farmland and other issues which have been done by the respondent company.
2. Respondent company is running its operation in total disregard of environmental norms. Respondent company has constructed a jetty and coke oven plant and in the process have destroyed mangroves on a large scale. They have also destroyed the *Kharbandasti* which is a type of wall constructed by traditional means by farmers to prevent the saline creek water of *Dharmatar* Creek from entering their farmlands. Due to destruction of the *Kharbandsiti* wall by the respondent company, every year saline water enters the agricultural farms and even the village areas causing inundation and entering the farm lands rendering them infertile permanently. They are constructing a conveyor belt and

in that construction, they are causing widespread destruction of mangroves. Saline water rent and entering farmland is causing mangroves to grow into the farm lands.

3. Respondent company has dumped hazardous chemical waste haphazardly on various portions of land owned by farmers and government and even mangroves in Kharmachi, Kharmachela, Kharkaravi, Juibapuji, Dolvi, Gadab, Kharchirbi, Wadkhal, Vave, Kolve etc., situated within Pen Taluka, Raigad District. The said hazardous chemical waste has caused large scale soil and water pollution. The said chemical waste is choking natural water streams and thereby causing polluted water to enter agricultural fields and houses of villagers. Photos annexed as **Annexure A1**.
4. It is binding on the forest department to do mapping of the mangroves but till date they have not done so. Large Scale mangrove destruction has already come on record by way of an affidavit filed by MCZMA dated 23rd September 2016. The State Forest Department has yet not appeared in the present matters and they haven't filed a reply. Mangrove Cell established under the State Forest Department has also not appeared and hasn't filed their reply.
5. Respondent company by carrying out their operations is doing large scale water pollution of a natural Nala which is passing through the company premises. The pollution level is so high that not only the said Nala has an obnoxious chemical smell but most of the time the colour of the water is either Yellow or red. The said Nala water is getting mixed in the Creek which is ultimately meeting the Arabian Sea. Fishing activity has completely stopped due to large scale water pollution. Photos annexed as **Annexure A2**.
6. Similarly the respondent company in their operations, frequently keeps emitting high amounts of smoke, dust and other



hazardous gases into the atmosphere which causes panic among the villagers. There is a potential adverse effect of all this pollution on humans as well as the environment. Injurious heavy metals namely lead Mercury cadmium can enter the food chain. Air pollution caused by the respondent company has also destroyed the agricultural land because the dust carries the waste material of the company which get settled on the agricultural field.

7. All the above various aspects have been taken into consideration by the Hon'ble Tribunal by their detailed order dated 27th May, 2021. The said order has also noted serious infractions on part of the respondent company with respect to the destruction of mangroves, large-scale dumping of waste material haphazardly, said waste material choking natural waterways thereby causing water pollution and dust and other particulate matter emitted from the air pollution settling on the agricultural fields thereby rendering agricultural fields infertile.
8. Taking serious cognizance of the above facts the Hon'ble Tribunal was placed to constitute a high level committee comprising officers from MoEF&CC, CPCB, IIT Mumbai, District Magistrate, Raigad and State PCB. The said Committee was asked to look into the issues raised by the applicants and to also estimate the extent of environmental damage and the amount of compensation required and restitution plan in case of non-compliance.
9. In spite of the said order getting passed on 27th May, 2021 and even after a lapse of six months, the said committee has not come for any visit and the large-scale destruction of mangroves, dumping of hazardous chemical waste, rampant air and water pollution continues unabated.



10. Frustrated at the callous attitude of the committee members and respondent authorities, the applicant sent emails to them requesting them to communicate the date of the visit. However till date none of the committee members have replied to the said emails. Copy of the email annexed as **Annexure 3**.
11. This clearly shows that the committee members, respondent authorities, particularly the State Forest Department and Revenue Department have no regard to the directions passed by this Hon'ble Tribunal and therefore it is requested to the Hon'ble Tribunal to take a serious view of the present situation and give appropriate directions for restituting the large-scale environmental damage done by the respondent company.

Whatever stated above is true and correct to the best of my knowledge ability and belief and I affirm it to be true.

J. R. Patil

Samita Rajendra Patil

Applicant

Place *Panvel*

Date *02/12/2021*

BEFORE ME

Before me

Prafulla V. Mhatre
02/12/2021

PRAFULLA V. MHATRE
M.Com, LL.B. DTM

ADVOCATE & NOTARY
GOVT. OF INDIA

10, "Keshav - Vasant",
Opp. Old Tahsildar Office,
Panvel Dist Raigad.

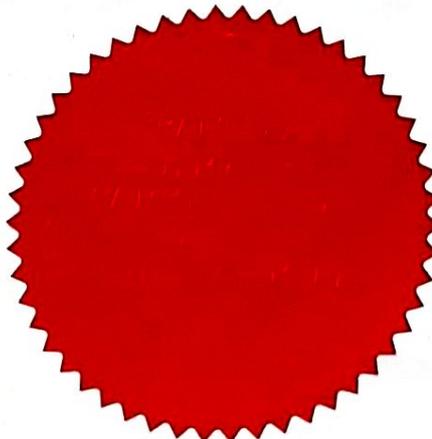
NOTED AND REGISTERED

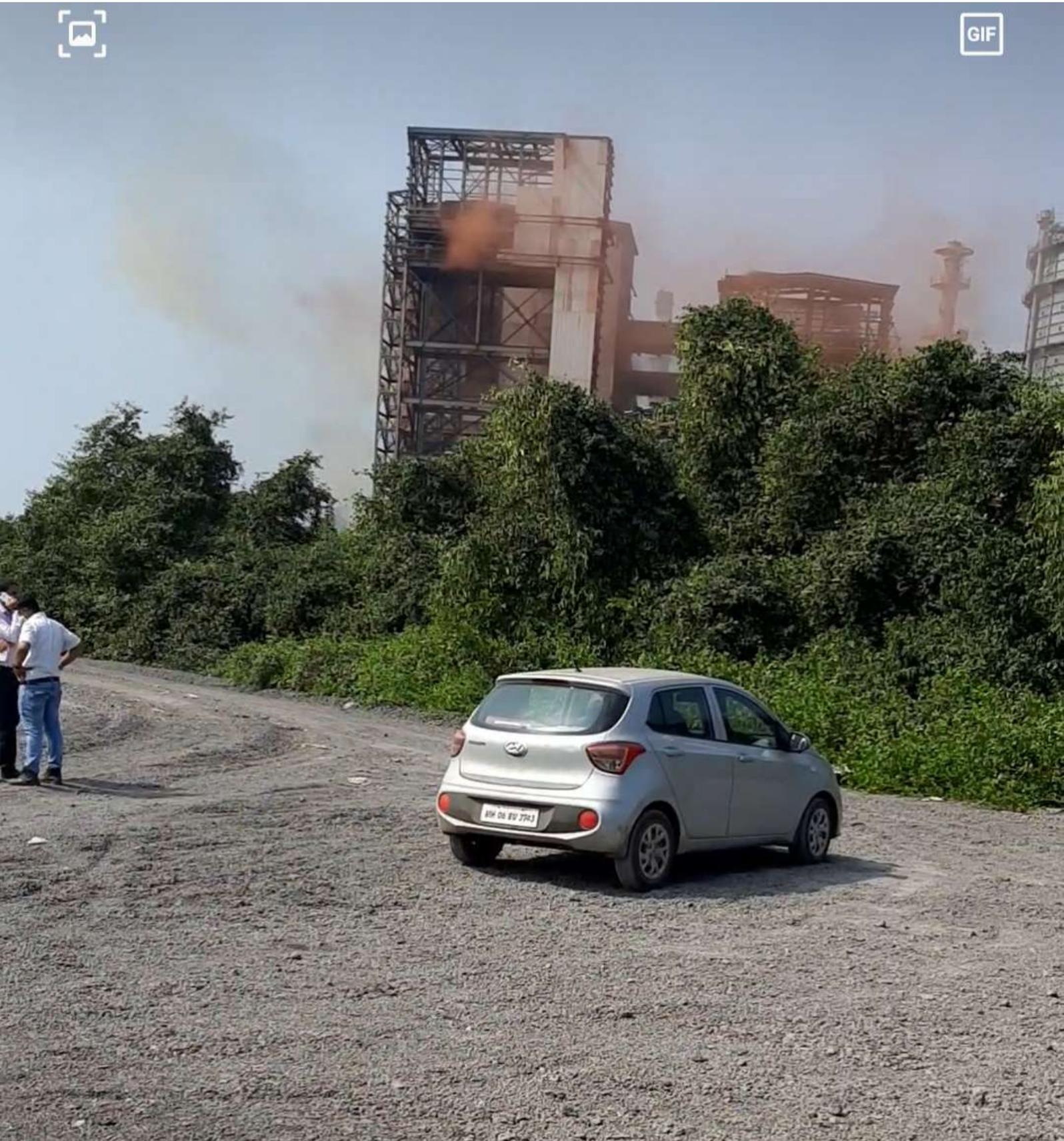
At Sr No. *1412/2021*

02 DEC 2021

AFFIDAVIT

Solemnly affirmed before me.
by Shri/Smt. *Samita R. Patil*.....
R/o. *Sulbha sadan, prabhuli, pan*.....
Tal. *pan*..... Dist. *Raigad*.....
Who is identified by Adhar No. *4895 6629 823*
to whom he / she is personally known









9 November 2021 12:30



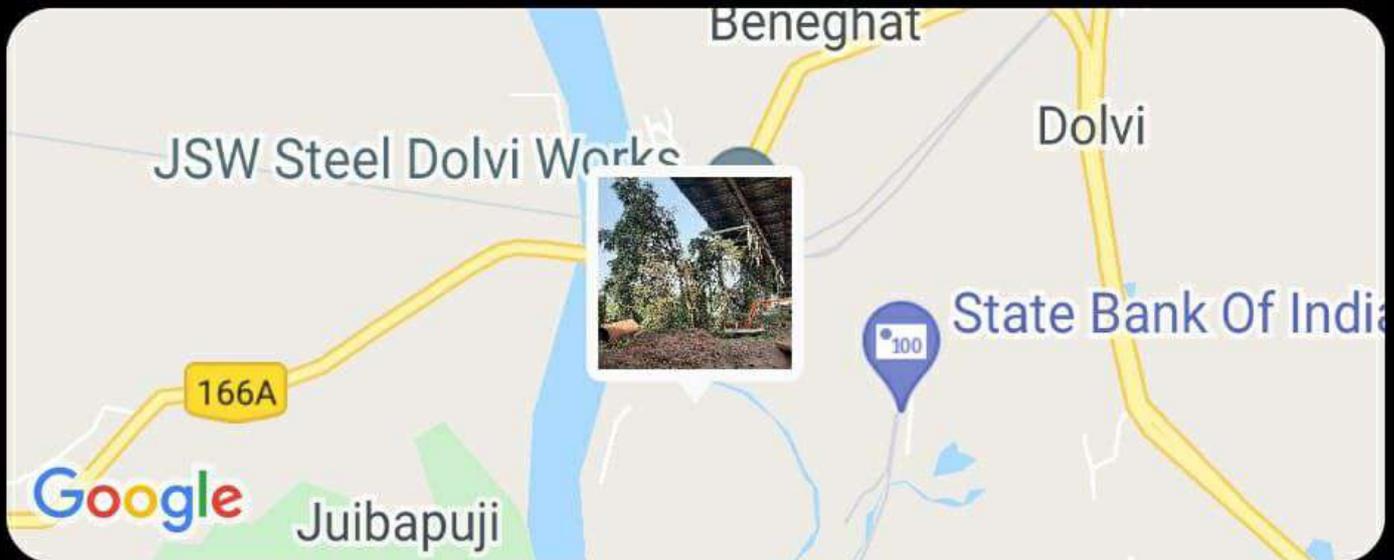
20211109_123040.jpg

/Internal storage/DCIM/Camera

4.32 MB 4032x3024



Unnamed Road, Maharashtra 402107, India



Samsung SM-A505F

F1.7 1/909 s 3.93mm ISO 40

White balance Auto No flash



TECHNO
POVA









Aniruddha Kulkarni <aniruddha1488@gmail.com>

Fwd: Subject : Visit by Committee constituted vide above referred order

1 message

samita patil <samitapatil41@gmail.com>
To: aniruddha1488@gmail.com

2 December 2021 at 18:42

----- Forwarded message -----

From: samita patil <samitapatil41@gmail.com>
Date: Wed, Aug 18, 2021, 13:21
Subject: Subject : Visit by Committee constituted vide above referred order
To: <secy-moef@nic.in>

To,

The Secretary,
MoEF*The Chairman*
CPCB*The Chairman*,
MPCB*The Director*
IIT Bombay*The District Collector*
Raigad

Reference : Order dated 27/05/2021 of the Hon'ble NGT in OA No. 165/2020 (Earlier 122/2015 WZ) Samita Rajendra Patil v. Jindal Steel Works Company Ltd. & Ors.

Subject : Visit by Committee constituted vide above referred order

Sir,

As per above referred order, Hon'ble NGT has constituted a Committee consisting of representatives from MoEF, CPCB, MPCB, IIT Bombay and District Collector, Raigad.

The said order has laid down the scope of the work which the said Committee has to perform and subsequently submit the report.

It has been more than 2 months that the Hon'ble NGT has passed the order, yet there has been no visit by the Committee. We don't even have knowledge whether a committee has been constituted or not.

Grievances raised in petition are of serious nature. Hon'ble NGT has taken a serious view of the environmental violations of the JSW Company Ltd.

Due to closure of natural streams by dumping of hazardous chemical waste materials, due to destruction of mangroves and due to destruction of the Kharbandisti by the JSW Company., there were floods in Pen, Kharmachela, Gadab, Wave, Kolwe, Beneghat, Wadkhal, Alibaug villages. Saline water from the creek entered the agricultural fields and have rendered the land infertile.

Air pollution due to hazardous thick black smoke has become a common affair. Citizens are being forced to breathe that hazardous air.

We have high hopes from the Committee and are eagerly waiting for the visit. Hon'ble Tribunal has allowed us to accompany the Committee Members and show them the exact locations where environmental violations have taken place.

Environmental Pollution is spread over large area covering Kharmachela, Gadab, Wave, Kolwe, Beneghat, Wadkhal, Alibaug, Pen etc.

Even on last occasion officials from MoEF and MPCB refused to see the entire area due to the distance involved. But such excuse cannot be given by any authority under any circumstance, as it'll amount to dereliction of duty and orders given by the Hon'ble NGT.

MPCB and local administration is hand in gloves with the JSW Company and therefore it is earnestly requested to you to do site inspection impartially and submit the report accordingly.

Villagers from the above referred villages want to meet you, so kindly spare time accordingly.

Large scale Mangrove destruction, inside and outside company premises, has already been brought on record by Maharashtra Coastal Zone Management Authority.

Therefore we earnestly request your goodself to give us sufficient advance notice of the inspection, visit the affected area at the earliest and prepare a true, impartial and scientific report to be submitted to the Hon'ble NGT as early as possible.

Samita Rajendra Patil



Aniruddha Kulkarni <aniruddha1488@gmail.com>

Fwd: Subject : Visit by Committee constituted vide above referred order

1 message

samita patil <samitapatil41@gmail.com>
To: aniruddha1488@gmail.com

2 December 2021 at 18:41

----- Forwarded message -----

From: **samita patil** <samitapatil41@gmail.com>
Date: Wed, Aug 18, 2021, 13:23
Subject: Subject : Visit by Committee constituted vide above referred order
To: <urmila.cpcb@gov.in>

To,

The Secretary,
MoEF

The Chairman
CPCB

The Chairman,
MPCB

The Director
IIT Bombay

The District Collector
Raigad

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samita patil <samitapatil41@gmail.com>
To: aniruddha1488@gmail.com

2 December 2021 at 18:41

----- Forwarded message -----

From: **samita patil** <samitapatil41@gmail.com>
Date: Wed, Aug 18, 2021, 13:22
Subject: Subject : Visit by Committee constituted vide above referred order
To: <ccb.cpcb@nic.in>

To,

The Secretary,
MoEF

The Chairman
CPCB

The Chairman,
MPCB

The Director
IIT Bombay

The District Collector
Raigad

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samita patil <samitapatil41@gmail.com>
To: aniruddha1488@gmail.com

2 December 2021 at 08:27

----- Forwarded message -----

From: **samita patil** <samitapatil41@gmail.com>
Date: Wed, Aug 18, 2021, 13:27
Subject: Subject : Visit by Committee constituted vide above referred order
To: director@iitb.ac.in <director@iitb.ac.in>

To,

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MoEF

The Chairman
CPCB

The Chairman,
MPCB

The Director
IIT Bombay

The District Collector
Raigad

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1 message

samita patil <samitapatil41@gmail.com>
To: aniruddha1488@gmail.com

2 December 2021 at 18:38

----- Forwarded message -----

From: **samita patil** <samitapatil41@gmail.com>
Date: Wed, Aug 18, 2021, 13:26
Subject: Subject : Visit by Committee constituted vide above referred order
To: <sroraigad2@mpcb.gov.in>

To,

The Secretary,
MoEF*The Chairman*
CPCB*The Chairman*,
MPCB*The Director*
IIT Bombay*The District Collector*
Raigad

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Samita Rajendra Patil



Aniruddha Kulkarni <aniruddha1488@gmail.com>

Fwd:

1 message

samita patil <samitapatil41@gmail.com>
To: aniruddha1488@gmail.com

2 December 2021 at 18:41

----- Forwarded message -----

From: **samita patil** <samitapatil41@gmail.com>
Date: Wed, Aug 25, 2021, 15:50
Subject:
To: <Collector.Raigad@maharashtra.gov.in>

प्रति
मा. जिल्हाधिकारी साहेब
रायगड

अर्जदार :- सौ. समिता राजेंद्र पाटील, मुलमा सदन प्रभुमाफी पेण, संपर्क क्र- 909600774) (याचिका कर्त्या - NGT 122/15)

संदर्भ :- उपविभागीय कार्यालय पेण ता. पेण, जि. रायगड

दि. २५/०८/२०२१ येथे पार पडलेली बैठक.

विषय :- 1) मा. राष्ट्रीय हरित न्यायाधीकरण (NGT) याचिका क्र. १२२/२०१५चे दि. 27/10/2015, मा. उच्चन्यायालय याचिका क्र. ८७/२००६ यांचे कांदळवन संरक्षण संदर्भातील आदेशांचे काटेकोर पालन करणे, 2) मा. राष्ट्रीय हरित न्यायाधीकरण याचिका क्र १२२/२०१५ मध्ये दि. 30/08/2016 रोजी MPCB. महाराष्ट्र राज्य प्रदुशण नियंत्रण महा मंडळ यांनी सादर केलेला अहवाल व १०/०९/२०१८ रोजी मा. जिल्हाधिकारी यांनी दिलेल्या आदेशांचे पालन होणे बाबत.

महोदय,

मी सौ. समिता राजेंद्र पाटील या पत्राद्वारे आपणास पुढील माहिती प्रस्तुत करित आहोत महोदय, आपण दि 25/09/2021 रोजी खारभूमि योजने अंतर्गत बांधकामांचे नियोजन करण्या संदर्भात बैठक लावली आहे.

महोदय खारमाचला ते रणछोडदास उघाडी पर्यंत खारबंदीसती होणे हि अपेक्षित आहे व खारबंदिस्ती हि झालीच पाहिजे अशी माझी आग्रही भुमिका आहे. परंतु प्रत्यक्ष पहाणी केली असता सदर विभागान होणारे कोणत्याही प्रकारचे बंधकाम हे कांदळवन नष्ट करून करावे लागेल का ? त्यामुळे मा. राष्ट्रीय हरित न्यायाधिकरण याचिका क्र.१२२/२०१५ मधील दि. २७/१०/२००६ चे आदेश, व मा. उच्च न्यायालय याचिका क्र. ०८७/२००६ मधील आदेशाचे उलंघन होऊन मा० न्यायालयाच अवमान करणारे ठरेल. त्याच प्रमाणे कोणत्याही प्रकार होणारा कांदळवन हास बेकायदेश व शिक्षेस पात्र गुन्हा आहे, यांची नोंद घ्यावी. सदर बाबतीत स्थळपहाणी व कारवाई करिता मा. राष्ट्रीय हरित न्यायाधिकरणाने उच्चसद्यसिय समिती गठीत केली असून सदर समिती लवकरच स्थळ पहाणी करणार आहे याची नोंद घ्यावी.

2) जेएस डब्ल्यू. कं. द्वारे केमिकल वेस्ट मटेरियल, भरावा करिता वापरण्यात येते. सदर केमिकल वेस्ट हे जमिन, जल व हवा तीनही करिता अत्यंत घातक व प्रदुशण कारि असून सदर वेस्ट मटेरिअल जमिन नापीक होत असून, काडी चे जलजिवन देखिल नष्ट होत आहे. तशा प्रकारचा अहवाल मा. राष्ट्रीय हरित न्यायाधीकरणात पत्रिका क्र. १२२/२०१५ मध्ये 30 दि 30/08/2016 रोजी महाराष्ट्र राज्य प्रमाण नियंत्रण मंडळाने सादर केला आहे.

३) दि. १०/०९/१८ रोजी च्या संयुक्त बैठकीत मा जिलाधिकारी यांनी 'जे.एस.डब्लू कंपनी ने मातीचा भराव करावा कंपनी स्लॅगचा भराव करू नये. शेतकऱ्यांचे नाहरकद प्रमाण पत्र घेऊन सुद्धा कंपनी स्लॅगचा भराव करू नये असे अतिशय स्वयंस्पष्ट आदेश पारित केले आहेत याची नोंद घ्यावी.

तरी वरिल सर्व बाबींचा पूर्ण पणे विचार व्हावा व योग्यरितीने व तात्काळ खारबंदिस्ती पूर्ण करवी हि नम्र विनंती.

सोबत

- 1) N.G.T. Order - 27oct 2015
- 2) MPCB report1-09-2016
- 3) जिल्हाधिकारी रायगड आदेश दि- 09-5-2018

आपली विश्वासू

सौ.समिता राजेंद्र पाटील

(सौ. समिता राजेंद्र पाटील)



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Email from Samita Patil to Raigad Collector Wednesday August 25, 2021, 15:50

To,

Collector,

District Raigad

Applicant : Sou. Samita Rajendra Patil, Sulbha Sadan, Prabhu Ali, Pen, Contact no. 909600774
(Petitioner – 122/15)

Reference : Sub Divisional Office, Pen, Tal. Pen, District Raigad

Meeting on 25/08/2021

Subject: 1) OA No. 122/2015 at Hon'ble NGT dated 27-10-2015, Hon'ble Bombay High Court Writ Petition No. 87/2006 regarding mangroves, 2) Report dated 30/08/2016 submitted by MPCB in OA No. 122/2015 in Hon'ble NGT and directions given by Ld. Collector on 10/09/2018

Sir,

I am giving you the following information. On 25/09/2021 you have called for a meeting regarding construction in the Khar lands.

It is expected that Kharbandisti should be constructed from Kharmachela to Ranchoddas ughadi and Kharbandisti must be constructed. On actual inspection, should it be done by destruction of mangroves? It will result into contempt of Hon'ble NGT's directions in OA No. 122/2015 and Hon'ble High Court's directions dated 27/10/2006 in WP No. 87/2006. Destruction of mangroves in any way is a punishable offence. This should be noted. Hon'ble NGT has constituted a high level committee for doing inspection and taking action and the said committee is soon going to inspect, please note.

2) JSW Company is using chemical waste material for dumping. The said chemical waste is very harmful for land, water and air and is doing pollution, is rendering the land infertile and is destroying the life in the creek. Such kind of report has been submitted by the MPCB on 30-08-2016 in OA No. 122/2015 in Hon'ble NGT.

3) On 10/09/2018 joint meeting the Collector directed the Company to dump sand instead of slag. In spite of NOC by farmers and self explanatory report and clear directions, company is still dumping slag, this may be noted.

Therefore above aspects should be considered and Kharbandisti should be completed properly.

Attached –

1) NGT Order 27/10/2015

2) MPCB report 1-09-2016

3) Collector Raigad order 09-5-2018

Yours sincerely Samita Rajendra Patil