

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH, KOLKATA  
ORIGINAL APPLICATION NO. 159 OF 2023 / EZ

IN THE MATTER OF:

Duryodhan Sahu

...Applicant

VERSUS

Member Secretary,  
Odisha State Pollution Control Board & Others ... Respondents

INDEX

Sl. No.	Description of the documents	Page Nos.
1.	Affidavit.	
2.	Photocopy of the joint inspection report carried out on dtd.24.11.2023. (ANNEXURE – R1/1	

SPCB Odisha, R.No.1 & 2

Through

**Sri Dipanjan Ghosh,**  
Advocates for the Respondent No.1 & 2  
(State Pollution Control Board, Odisha)  
e-mail: dpnjnghsh0@gmail.com  
Phone No.:9903080977

Kolkata  
Date:

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH, KOLKATA  
ORIGINAL APPLICATION NO. 159 OF 2023 / EZ

IN THE MATTER OF:

Duryodhan Sahu

...Applicant

VERSUS

Member Secretary,  
Odisha State Pollution Control Board & Others ... Respondents

20 DEC 2023

**AFFIDAVIT ON BEHALF OF STATE POLLUTION  
CONTROL BOARD, ODISHA, R.NO.1 & 2.**

I, Dr. Kailasam Murugesan, IFS, son of late Paramasivam Kailasam aged around 56 years, at present working as Member Secretary, State Pollution Control Board, having my office at Paribesh Bhawan, A/118, Nilakantha Nagar, Unit-VIII, P.O. Nayapalli, Bhubaneswar, Dist – Khurda, Odisha-751012, do hereby solemnly affirm and state as under:

1. That I am the Member Secretary of the Respondent No.1 Board and, as such, am well-acquainted with the facts and circumstances with the case and competent to swear this affidavit.



2. That I have gone through the OA and understood the contents thereof.
3. That the OA has been filed alleging that the R.No.6 Tomka Railway Siding is operating the siding without permission from the OP No.1 Board and also in violation of the conditions of the consent to operate and consent to establish granted by the R.No.2 Board.
4. That the Hon'ble Tribunal while adjudicating the OA vide their order dtd.19.10.2023 has been pleased to constitute a committee comprising of (i) Sr. Scientist, Odisha PCB, (ii) Sr. Scientist, CPCB and (iii) Collector & DM, Jajpur or his representative not below the rank of ADM and directed to visit the site and submit the report within 3 weeks.
5. That in compliance to the said direction, the R.No.1 Board has nominated Er. P.K.Behera, Sr. Environmental Engineer and Regional Officer, Kalinga Nagar to represent the committee and also to act as the Nodal Officer and intimated the same to the Regional Director, CPCB, Kolkata and Collector & District Magistrate, Jajpur. In the meantime, the Committee has carried out



MANJULA KUMAR PRADHAN  
 NOTARY PUBLIC  
 BHUBANESWAR  
 REGD. NO. ON-71/2008  
 PH:-9437627119 (INDIA)

inspection of the site on dtd.24.11.2023 to verify the factual aspects on the allegations contained in the OA and submitted the report. Copy of the said inspection report is annexed to this affidavit and marked as ANNEXURE – R1/1.

6. That the Respondent No.1 Board is placing on record the copy of inspection report at Annexure – R1/1 in compliance to directed dated 19.10.2023 of the Hon'ble Tribunal for proper adjudication of this case.
7. That the Respondent No.1 Board craves the leave of this Hon'ble Tribunal to file further affidavit if necessary for effective adjudication of this case.
8. That the annexure annexed to the present affidavit is true and correct copy of its original.
9. That the contents of the above paragraphs are true and correct to the best of my knowledge, as derived from the official records, and that nothing material has been concealed therefrom.



  
**DEPONENT**  
 Member Secretary  
 State Pollution Control Board  
 Odisha, Bhubaneswar

MANJULA KUMAR PRADHAN  
NOTARY PUBLIC  
BHUBANESWAR  
REGD. NO. ON-71/2009  
PH:-9437627119 (M)

*[Handwritten signature]*

**VERIFICATION:**

I, the above named deponent, do hereby verify that the contents of the above affidavit are true and correct to the best of my knowledge, as derived from official records, and that nothing material has been concealed therefrom.

Verified at Bhubaneswar on this the 20<sup>th</sup> day of December, 2023.

**SWORN BEFORE ME**

*[Handwritten signature]*

**DEPONENT**  
Member Secretary  
State Pollution Control Board  
Odisha, Bhubaneswar



*[Handwritten signature]*  
MANJULA KUMAR PRADHAN  
NOTARY PUBLIC  
BHUBANESWAR  
REGD. NO. ON-71/2009  
PH:-9437627119 (M)

ANNEXURE - R1/1

Inspection Report in the matter of O.A.No. 159/2023 /EZ – Duryodhan Sahoo Vs.  
Member Secretary Odisha State Pollution Control Board & Ors.

A petition was filed before the Hon'ble National Green Tribunal (NGT) alleging illegal operation of Tomka-Road Railway Siding of East Coast Railways without permission of State Pollution Control Board in violations of guidelines for railway siding and conditions of consent to operate. In this connection, the Hon'ble NGT constituted a committee comprising of representative of CPCB, representative of SPCB and District Collector Jajpur or his representative not less than the rank of Additional District Magistrate. The Committee jointly inspected the siding on 24.11.2023, to verify the factual aspects in light of the allegations contained in the application to submit a report. Following persons visited the Unit on 24.11.2023.

1. Mr. Santosh Kumar Mishra, Additional District Magistrate, Kalinganagar
2. Mr. Pramodkumar Behera, Regional Officer, Jajpur, SPCB, (Representative of OSPCB)
3. Mr. Abhijit Pathak, Sr. Scientist, CPCB, Kolkata, (Representative of CPCB)

During the Inspection day on 24.11.2023, Sri Susanta Kumar sahu, CCI, JJKR Railway Station, Dwarikanath Mishra, Station Manager, Tomka, Sri Gyana Ranjan Nayak, ACM, Khurdawere present. Handling activities was found totally shut down on the Railway Siding. It was verified from the record that no mineral handling has been done in the siding since March 2023 and in the financial year 2023-24 till the date of visit.

#### **Background of the railway siding:**

Tomka Road Railway Siding is a railway siding of East Coast Railway operating since 2002. This railway siding is used to receive, temporarily store and load/unload material in rakes and dispatch materials. The Consent to Operate (CTO) of the siding has been granted which is valid up to 31.12.2023 for transporting iron ore, iron ore pellets, G. slag, clinker of total capacity 8000 MT/Day. The allegation in the petition can be summarized as following:

1. The railway siding has been established in violation of the siting guidelines formulated by the State Pollution Control Board.
2. Tomka Railway siding is operating the siding without permission from State Pollution Control Board and in violation to the consent conditions as per the guidelines formulated by the State Pollution Control Board.

#### **Siting consideration of the siding:**

Odisha Pollution Control Board has formulated a Guideline for Environmental Management in Mineral Stack Yards and Railway Sidings which was published on 16.04.2010 in order to ensure appropriate siting and adequate pollution control measures. The serial no 4 of the Guidelines specifies the criteria for siting of mineral stack-yard only. Here it specifies "the boundary of the proposed site shall be at an aerial distance of at least 500m away from Schools, Colleges, Hospitals, Archeological monuments and sensitive areas. The siding is

operational since 2002. The Guideline came into existence since 2010. However, the guideline is found silent about the Siting Consideration of Railway Sidings.

**Consent Status:**

The railway siding was having one track and one loading & unloading bay. It was made operational during the year 2002 & was operating intermittently but due to less demand, the railway siding was non-operational.

Consent to operate (1<sup>st</sup>) was granted to the railway siding for storage & handling of iron ore 8000 MT per day & iron ore pellets of quantity 8000 MT/Day vide SPCB letter no 22/KNG/MSY/77 Dated 04.01.2021 which was valid up to 31.03.2021 and renewed subsequently.

Further consent to establish was granted to the railway siding for addition of handling & transportation of G Slag & Clinker of quantity 4000 MT/Day vide SPCB Letter no 2305/MSY-77 Dtd 29.09.2021 & Consent to operate was granted accordingly incorporating the additional additional product vide SPCB letter no 2547/KNG/MSY/77 Dtd 08.11.2021 which was valid up to 31.03.2022 and renewed subsequently.

Further consent to establish was granted to the railway siding for modification of products and quantity for handling & transportation of Iron Ore/Iron Ore pellets/G Slag & Clinker/ Coal of quantity 8000 MT/Day vide SPCB Letter no 1583/MSY-77 Dtd 24.05.2022 & Consent to operate was granted vide SPCB letter no 1591/KNG/MSY/77 Dtd 25.05.2022 which was valid up to 31.03.2023 and renewed accordingly.

Show cause notice was issued to the railway siding for non-compliance of consent to operate conditions vide SPCB letter no 191/MSY-77 Dtd 30.01.2023 & subsequently consent to operate was refused vide SPCB letter no 1194/MSY-77 Dtd 31.03.2023.

Further consent to operate was granted to the railway siding based on the compliance made by the railway siding for transportation of iron ore, iron ore pellets, G Slag, Clinker and coal of quantity 8000 MT/Day vide SPCB Letter no 1851/KNG/MSY-77 Dtd 18.05.2023 which is valid up to 31.12.2023.

**Operational status:**

The siding is owned by Indian Railway for intermediate storage of materials i.e. iron ore, iron ore pellets, G slag & Clinker for loading and unloading of rake. The materials are kept in the siding for short time only before loading or after unloading of the rake and finally sent to the final destination.

However during inspection no operation was found. As informed by the station master and as verified from the record available at the station, material handling was stopped since March 2023.

Due to chances of mixing of material like coal and different ores or other materials, railway department decided to augment facility to two tracks and two bays. The augmentation of siding has already been started and under progress. During augmentation of the siding, the system installed for Pollution Control measures got dismantled.

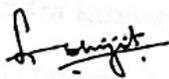
**Observations:**

Following observations were made during inspection

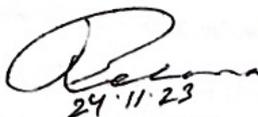
1. The approach road to the said railway siding is in bad shape and the officers of railways has confirmed that augmentation plan has included the construction of approach road to the siding.
2. Tomka railway siding now being developed for two siding facility adjacent to each other of about 700 meters length and about 15 meters width each and provided with compacted floor for stocking of materials.
3. No material stacking and handling was found at railway siding. The railway siding was non-operational since March 2023 as per record verified.
4. The unit has provided boundary wall at one side of the siding and construction activity for augmentation of siding was going on as observed during visit.
5. During augmentation of the siding, the system installed for Pollution Control measures as per the conditions imposed in consent to operate, got dismantled.

**Recommendations:**

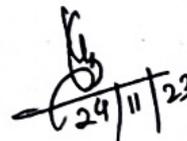
1. As informed by the officials of the Indian Railway present during inspection, Railway has sanctioned about 9 crores for total revamping of facility which include all necessary pollution control measures as per the guideline. The work may take another 3 months as informed.
2. The committee suggested not to operate the siding for any handling of materials forthwith until revamping of it and the pollution control systems are installed and made operational as per the consent conditions and guideline.
3. Necessary intimation for augmentation of facility and application for consent to establish has not been made by the railway siding. The railway siding may initiate the process immediately.
4. The railway siding shall be thoroughly inspected by OSPCB before issuing or renewing the consent to operate further. The siding shall ensure that all necessary clearance will be completed and measures prescribed in consent conditions to be complied in all respect.



**Abhijit Pathak**  
Scientist 'D'  
Representative, CPCB



**Pramod Kumar Behera**  
Regional Officer, Jajpur  
Representative, OSPCB



**Santosh Kumar Mishra,**  
ADM, Kalinganagar  
Representative, Collector Jajpur