BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

WESTERN ZONE AT PUNE

APPEAL NO. 60 OF 2026

IN THE MATTER OF:

KAMALAKAR PARSHURAM

PATIL & ORS. ... APPELLANTS

VS.

UNION OF INDIA & ANR. ... RESPONDENTS

INDEX

Through

CYRIL AMARCHAND MANGALDAS
Advocates for Respondent No. 2
3rd Floor, Lentin Chambers, Dalal Street,
Fort, Mumbai - 400 001

Place: Mumbai
Date: 13.06.2026

NOTARY ★ GOVT OF INDIA ★

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AFFIDAVIT IN REPLY ON BEHALF OF RESPONDENT NO. 2

I, Umang Jaju, working as Deputy General Manager - Legal of Respondent No. 2, JSW Steel Limited, having offices at JSW Centre, Bandra Kurla Complex, Bandra (East), Mumbai 400051 and plant office at JSW Steel Limited, Geetapuram, Dolvi, Taluka Pen, District Raigad 402 107, Maharashtra do hereby solemnly affirm and state as follows:

1. That I am authorised to file this Affidavit-in-Reply on behalf of the Respondent No. 2 ("**Reply**") in the captioned Appeal. I say that I am acquainted with the facts and circumstances of the case from the records and documents of Respondent No.2.

2. That, at the outset, all averments, claims and contentions raised in the Appeal insofar as they are inconsistent with what has been stated

herein are denied and nothing stated in the Reply shall be deemed to have been admitted for want of specific traverse.

3. That the documents annexed to the Appeal are admitted to the extent they are official/public documents forming part of the statutory record; however, the conclusions, inferences, and selective characterisations that the Appellants seek to draw from those documents are specifically denied.

4. The captioned Appeal challenges the grant of the environmental clearance ("**EC**") dated January 11, 2026, for the expansion of an integrated steel plant for enhancement of the production capacity from 10 MTPA to 15 MTPA.

5. At the outset, it is submitted that the captioned Appeal does not meet the threshold for judicial review of an EC as laid down by the Hon'ble Supreme Court in ***Rajeev Suri v. DDA***, (2022) 11 SCC 1 (para 509), inasmuch as the elaborate deliberations of the Expert Appraisal Committee (**EAC**) of the Ministry of Environment, Forest and Climate Change (**MoEF&CC**), culminating into the grant of the EC dated 11.01.2026, surely cannot be said to demonstrate a "*total absence of mind*" on its part.

6. A closer reading of the grievances raised in the Appeal would reveal that it is but an exercise in nitpicking. Broadly, the Appeal seeks to raise the following grievances:

a. That the situs of the plant is contrary to the EIA (Technical) Guidelines / Manual for Metallurgical Industries (August 2010).

b. That the EC has not been applied in terms of the Office Memorandum dated December 24, 2010 ("**2010 OM**") requiring disclosure of inter-linked projects.

c. That the Respondent No. 2 ought to have made a composite application for an EC and a CRZ clearance.

d. That the public hearing held was inadequate to provide a meaningful opportunity to the general public.

e. That the approval process did not factor in the increase in the pyrometallurgical slag entailed by the expansion.

7. All the above grievances are misconceived, and wholly untenable in law. Shorn of details, it is submitted that:

i. The grievance on the situs based on the EIA Manual glosses over the fact that, *firstly*, it cannot be applicable to the expansion of existing projects, and *secondly*, it is expressly recommendatory and not mandatory, as is evident from its plain language.

ii. The 2010 OM has been relied upon based on a misconception that the steel plant and the jetty are owned by the very same entity, which it is not so in reality. Furthermore, the jetty cannot be termed an inter-linked project since it is not dependent on the functioning of the steel plant and is not exclusively used for the steel plant in question, but is open for use by all in the vicinity.

iii. The plea of the necessity of a composite application ignores the fact that the steel plant itself does not require a CRZ clearance but it is only certain ancillary activities that are located in the CRZ area, for which, a CRZ clearance has been separately obtained. Conversely, the ancillary activities do not need an EC. Moreover, the authorities are fully aware of the same, and have taken express note of the necessity of a distinct clearance only for such ancillary activities.

iv. There can be no grievance about the duration of the public hearing since the EIA Notification does not prescribe a minimum duration for a public hearing.

v. Moreover, the public hearing is conducted entirely by the concerned State Pollution Control Board (the MPCB in this case), and consequently, the manner in which it is conducted is not within the control of the project proponent.

vi. Lastly, the grievance of the EC having been approved without factoring the effects of the slag that would be generated, shows that the Appeal has been filed without even a cursory reading of the EC and the EIA Report, which would leave no room for doubt that the same has been given due consideration.

BRIEF FACTS

8. That the Respondent No. 2 operates an Integrated Steel Plant at Dolvi, District Raigad, Maharashtra ("**Plant**") over private land

admeasuring 627.35 ha (existing 615.135 ha and additional 12.215 ha). The Plant was commissioned in the year 1994 and since then, it has been expanded from time to time. The Plant has with each expansion obtained the requisite EC from the competent authority as detailed below:

(a) EC for a 3.0 MTPA Plant was granted on December 12, 1996.

(b) EC for expansion from 3.0 MTPA to 5.0 MTPA was granted on November 21, 2012.

(c) EC for expansion from 5.0 MTPA to 10.0 MTPA was granted on August 25, 2015.

(d) On June 16, 2020, the EC for the 5.0 to 10.0 MTPA expansion was amended for a change in the capacity of the Pellet Plant from 4 MTPA to 9 MTPA and that of the Sinter Plant from 8 MTPA to 4 MTPA, while the overall capacity for production of liquid steel remained unchanged at 10 MTPA.

Accordingly, the Respondent No. 2 presently operates the Plant with an installed capacity of 10 MTPA under the EC dated August 25, 2015. The Respondent No. 2 also has a valid Consent to Operate ("**CTO**") for the Plant with a validity up to April 3,2028.

9. The Respondent No. 2 proposed to expand the capacity of the Plant from 10 MTPA to 15 MTPA, for which additional equipment and machinery would have to be installed on 135.9 hectares of land, comprising existing unutilised land of the Plant as well as newly acquired land. For this purpose, the Respondent No. 2 applied for the EC, which was granted by the Respondent No. 1 on January 11, 2026 ("**Impugned EC**") (*Annexure A1 to the Appeal*).

10. The Appellant is seeking to challenge the Impugned EC on erroneous and unsustainable grounds by way of the captioned Appeal. The true facts leading to the grant of Impugned EC are set out below:

10.1. The Respondent No. 2 appointed MECON Limited, Ranchi, Jharkhand, a QCI/NABET accredited Environmental Consultant (Accreditation Certificate No. NABET/EIA/1619/SA 0093) ("**Mecon**"), as the Environment Impact Assessment ("**EIA**") consultant for preparation of the Environment Impact Assessment / Environment Management Plan Report ("**EIA Report**") in terms of the EIA Notification, 2006. Mecon conducted monitoring of baseline data for the EIA of the said proposed expansion during October – December 2022 covering all prescribed environmental parameters, including ambient air quality, surface and groundwater, noise, soil quality, ecological and socio-economic features, traffic density, etc. within the study area.

10.2. The Respondent No. 2 submitted an application bearing Proposal No. IA/MH/IND1/446615/2023 to Respondent No. 1 for issuance of Terms of Reference ("**ToR**") for the proposed expansion on October 30, 2023 ("**Application**").

10.3. The Application was duly considered by the EAC across three meetings (*Annexures A19, A20, A21, respectively, to the Appeal)*, as follows:

a. *48th EAC Meeting (held on November 08–09, 2023):* The Minutes of Meeting ("**MoM**") for the 48th EAC meeting (dated November 15, 2023) recorded that the EAC *inter alia* directed Respondent No. 2 to keep in consideration the validity of the baseline data in pursuance of Respondent No. 2's Office Memorandum dated June 08, 2022 ("**2022 OM**"), at the time of submission of the EIA Report for the grant of EC.

b. *52nd EAC Meeting (held on January 23–25, 2024):* The MoM of the 52nd EAC meeting, issued on February 06, 2024 recorded that Respondent No. 2 confirmed compliance with the 2022 OM on baseline data validity and also informed the EAC that it had submitted an application for a CRZ clearance for the linear/ancillary components of the project on January 04, 2024 by

Proposal No. IA/MH/CRZ/457726/2024, thereby bringing the CRZ position to the knowledge of the EAC at the ToR stage itself.

c. *61st EAC Meeting (held on June 18–19,2024)*: The expansion project was further considered in the 61st EAC meeting (MoM dated July 01, 2024), wherein the EAC deliberated upon the compliance status and action plan in relation to the Joint Committee Report prepared in relation to O.A. 122 of 2015.

Accordingly, following a consideration across the aforesaid three meetings, the ToR was granted to the Respondent No. 2 on July 16, 2024, for the proposed expansion of the Plant from 10 MTPA to 15 MTPA. (*Annexure A5 to the Appeal*)

10.4. Even prior to the grant of ToR, the Respondent No. 2 proactively initiated the process for obtaining a CRZ clearance for the linear and ancillary components of the project which did not need an EC, i.e., 1 no. of water pipeline, 4 no. of bridges, cross-country conveyors with utilities and wagon tipper facility with railway lines at JSW Dolvi ("**Linear Facilities**").

10.5. Upon application for a CRZ Clearance, the grant of which was recommended by Maharashtra Coastal Zone Management

Authority ("**MCZMA**"), CRZ Clearance for the said Linear Facilities was duly obtained from Respondent No. 1 on November 19, 2025.

10.6. Thereafter, the Respondent No. 2 made an application dated June 27, 2025, to the Maharashtra Pollution Control Board ("**MPCB**") for conducting an Environmental Public Hearing ("**EPH**").

10.7. Accordingly, the Joint Director (Water Pollution Control), MPCB, Mumbai by letter dated July 07, 2025, directed Sub Regional Officer, Raigad-II, MPCB, Raigad, CBD Belapur, Navi Mumbai - 400 614 to carry out the process of conducting EPH regarding the Respondent No. 2's Plant. Thereafter, the District Collector, Raigad, Alibag, by a letter dated July 18, 2025, directed the concerned officials to conduct a physical EPH on Friday, the August 22, 2025.

10.8. Thereafter, a notice for an EPH to be scheduled on August 22, 2025, was issued on July 22, 2025. The said public hearing was notified 30 days in advance in three newspapers (The Indian Express, Krushival, and Raigad Times). The draft EIA and executive summary were made available in Marathi and English at various notified Government offices at multiple designated offices and locations across Raigad District, including the Collector's office, Zilla Parishad, MPCB

offices, Tehsildar offices, and Gram Panchayat offices. (*Annexure A6 to the Appeal*)

10.9. On August 22, 2025, the aforesaid public hearing was duly conducted at 2:30 p.m. at JSW Jetty Parking Area, Near Dharamtar Police Check Post, Village Vave (Wadkhal), Taluka Pen, District Raigad, under the supervision of the Additional District Magistrate, Raigad, with officials of MPCB. As recorded in the minutes of the public hearing, a total of 1,142 persons attended the public hearing (including the Appellants); 18 persons made oral submissions; and 12,757 written representations (12,363 – in support and 394 – raising objections) were received. (*Annexure A8 to Appeal*).

10.10. On September 1, 2025, the Respondent No. 2 communicated to the MPCB its detailed responses to the oral and written objections/representations received at and post the public hearing.

10.11. After due public consultation, the Respondent No. 2 submitted its application for an EC (Proposal No. IA/MH/IND1/553173/2025) ("**EC Application**") on the PARIVESH Portal on September 26, 2025.(*Annexure A3 to the Appeal*)

10.12. The EC Application was considered by the EAC in its 14th meeting held on October 30, 2025. The EAC, having examined the EIA Report, EDS replies, public hearing minutes and responses, and all relevant material, recommended the grant of EC to the Respondent No. 2 (*Annexure A22 to the Appeal*).

10.13. Respondent No. 1 accepted the EAC's recommendation and granted the EC on January 11, 2026, signed and issued on January 12, 2026, with detailed specific and general conditions. (*Annexure A1 to the Appeal*)

PRELIMINARY SUBMISSIONS

The Plant is not in violation of the siting criteria in the sector specific EIA manual

11. That the Appellants erroneously rely upon para 4.2.4 of the EIA (Technical) Guidelines / Manual for Metallurgical Industries (August 2010) ("**EIA Manual**") to allege that Respondent No. 2's Plant ought not to be located within 500 metres from the High Tide Line ("**HTL**"). In this regard, at the outset, it is submitted that para 4.2.4 forms part of the para 4.2 of the EIA Manual titled "Screening" which process, as per the EIA Manual as well as Cl. 7(i) of the EIA Notification is applicable only to a Category B project i.e., less than 200 TPD. Admittedly, the Respondent No. 2's project is under

Category A of the EIA Notification (15 MTPA is equivalent to 49,000 TPD), and on this basis alone, the reliance on the EIA Manual can be dispelled.

12. That, notwithstanding the above, the EIA Manual merely contains guidelines and does not create any binding or mandatory obligation. Para 4.2 of the EIA Manual itself acknowledges that adhering to the guidelines mentioned therein is, in some situations, *"difficult and unwarranted" and therefore these guidelines may be kept in the background, as far as possible, while taking the decisions*." Furthermore, the phraseology employed in para 4.2.4 is expressly recommendatory, using expressions such as "Areas *preferably* be avoided" and "Coastal Areas: Preferably 1/2 km away from high tide line (HTL)". The use of the word "preferably" underscores that these guidelines are indicative norms and cannot be foisted upon a project proponent as absolute prohibitions. Moreover, it would be absurd to suggest that they can be employed to stall the expansion of an existing project.

13. That the preferable requirement for projects to be located beyond 500 meters from the HTL is aligned with a similar requirement under the CRZ Notification 2019 ("**CRZ Notification**"). It is pertinent to note that the Plant or its expansion does not involve CRZ land and thus, the question of adherence to such conditions does not arise.

14. That the aspect concerning HTL/CRZ has been considered by the EAC during the appraisal process and the same was duly resolved upon consideration of the EDS Reply dated December 12, 2025 (*Annexure A12 to the Appeal*), wherein it has been clearly stated that CRZ clearance is not required for the Plant as a whole, whilst CRZ Clearance No. 11/1/2025-IA.III dated November 19, 2025, was separately obtained for the Linear Facilities.

15. That, without prejudice to the aforesaid contention, even under the CRZ Notification, the said 500 meters buffer applies only to the CRZ on the "sea front" under Clause 1(i) of the CRZ Notification. In contradistinction, the CRZ restriction applicable to the landward side along tidally influenced water bodies connected to the sea, is limited to the area between the HTL and 50 meters or the width of the creek, whichever is less, under Clause 1(ii) of the CRZ Notification. The Plant is clearly situated more than 50 meters away i.e., 55 metres precisely from the banks of Amba 'river'. Accordingly, the restriction applicable to sea fronts cannot be applied to the present case. Hence, the reliance on these non-binding guidelines in the EIA Manual is misplaced in the present case, when the CRZ Notification contemplates a lesser threshold. A copy of the communication received from the Executive Engineer, Raigad Irrigation Division confirming that the Plant is at a distance of 55.00 m from the edge of Amba river is annexed as *Annexure 3.1., Volume II of the EIA Report annexed to the Appeal*.

16. That, in any event, the Plant has been operational at its present site for over three decades, having been commissioned in 1994. The Plant has also been permitted to expand from time to time with the EC and all requisite regulatory clearances having been duly granted by the competent authorities at each stage of expansion. The siting of the Plant has thus been sanctioned and accepted by the regulatory authorities on multiple occasions over a period spanning more than thirty years. In the aforesaid circumstances, it is not open to the Appellants to now challenge the situs of the Plant, particularly in the context of the Impugned EC, which pertains solely to the expansion of the existing capacity of the Plant and does not involve the establishment of a new industrial unit at a new or undeveloped location. The challenge to the siting of the Plant is, accordingly, wholly misconceived and cannot be sustained.

The allegations regarding segmentation of the project and its alleged inter-linked components to avoid proper assessment is erroneous

17. That the Appellants have erroneously alleged that Respondent No. 2 has impermissibly segmented the Plant's expansion from the Dharamtar jetty and the CRZ linear works, contrary to the 2010 OM issued by Respondent No. 1. The Appellants further rely upon the form prescribed under the EIA Notification, which requires disclosure of inter-linked projects, and erroneously allege that Respondent No. 2 has failed to disclose the existence of inter-linked projects therein.

18. That in this regard, it is necessary to appreciate the true scope and object of the 2010 OM. The purport of the 2010 OM is to ensure that projects which entail multi-sectoral components are not dissected by the project proponent in a sectoral manner, thereby rendering the EAC incapable of assessing the multidimensional aspects of a project. The expressions "integrated" and "interlinked" as employed in the 2010 OM offer guidance on the threshold of its applicability. Any two activities or projects can be said to be integrated or interlinked only when they are functionally connected in a manner that the operability of one is intrinsically dependent on the operability of another. In other words, when one activity/project cannot exist in the absence of the other. It must be a scientific and functional connection, and not a hypothetical or theoretical connection. The word "cumulative" in the context of impact assessment is to be read in conjunction with the word "project", and the idea behind examination of the cumulative impact is to assess the impact of the project including all its functional components, and not of all development activities or facilities in a region. Furthermore, the grant of environmental clearance under the EIA Notification is project-specific as well as owner/proponent-specific and is a site-specific exercise. Accordingly, the 2010 OM does not, and cannot, be read to mandate composite appraisal of facilities owned by distinct and independent juristic entities, or of facilities that constitute shared, multi-user infrastructure, or of projects that

are marked by different timelines, different budgetary allocations, different ownership, and different functional purposes.

19. That the 2010 OM is factually and legally inapplicable in the present case for the following reasons:

19.1. First, the Plant and the Dharamtar jetty are owned and operated by distinct and independent juristic entities, namely JSW Steel Ltd. and JSW Dharamtar Port Private Ltd., respectively. The 2010 OM does not, and cannot, be read to mandate composite appraisal of facilities owned by separate and independent legal entities.

19.2. Second, applying the threshold of "integration" and "interlinkage" as set out in the 2010 OM and as explained hereinabove, the Plant and the Dharamtar jetty cannot be said to be integrated or interlinked inasmuch as the operability of the Plant is not intrinsically dependent on the operability of the Dharamtar jetty, nor vice versa. The Plant is capable of receiving raw materials and dispatching finished products through alternative modes of transport, including road and rail, independent of the Dharamtar jetty. Conversely, the Dharamtar jetty is capable of, and does in fact, operate independently of the Plant by handling cargo for third parties. The connection between the two is, at best, one of commercial convenience and logistical preference, and not one of

functional or scientific dependence of the kind contemplated by the 2010 OM.

19.3. Third, the Dharamtar jetty is not even exclusively used by or for the Respondent No. 2's Plant. Dharamtar jetty is a multi-user cargo handling facility, utilised by Respondent No. 2 on a non-exclusive basis alongside third parties. The pre-feasibility report and the EIA Report dated September 2025 for the jetty expansion themselves expressly state that JSW Dharamtar Port Private Ltd. has applied for expansion to handle third-party cargo. Therefore, the very documents relied upon by the Appellants belie their own pleaded case that the Dharamtar jetty is solely and exclusively linked to the Plant. A shared, multi-user facility cannot, in law or in fact, be characterised as an "inter-linked" activity solely for the purposes of Respondent No. 2's expansion within the meaning of the 2010 OM. If the Appellants' logic were accepted, even public roads and railway lines used by a project would become 'inter-linked' activities requiring composite appraisal. Such a position is manifestly untenable and contrary to the intent of the 2010 OM.

19.4. Fourth, the linear infrastructure comprising the cross-country conveyor belt, bridges with utility galleries, pipelines, and railway lines equally cannot be characterised as "integrated" or "interlinked" activities with the Plant within the meaning

of the 2010 OM. The activity of the Plant is the manufacturing of steel, whereas the linear infrastructure constitutes ancillary conveyance and utility facilities. The fact that the functions performed by such infrastructure (viz., conveyance of raw materials, water supply, and rail connectivity) are capable of being performed through alternative means and configurations, indicates that the connection between the Linear Facilities and the Plant is merely one of logistical facilitation and not of functional or scientific dependence.

19.5. Fifth, the Linear Facilities and the Plant are situated in different areas. The Plant is located outside the CRZ, whereas the Linear Facilities fall within the CRZ. This further militates against any characterisation of the linear infrastructure as being "integrated" or "interlinked" with the Plant.

19.6. Sixthly, the linear infrastructure and the Plant attract distinct and separate regulatory regimes. The Plant requires an EC under the EIA Notification but does not require a CRZ clearance, whilst the Linear Facilities requires a CRZ clearance but does not require an EC under the EIA Notification. The CRZ Clearance No. 11/1/2025-IA.III dated November 19, 2025, has been duly obtained for the said Linear Facilities under the CRZ Notification, and the same was brought to the notice of the EAC at the ToR stage itself.

20. That without prejudice to the above, and assuming whilst denying that the 2010 OM is applicable to the present case, it is submitted that the spirit and object of the 2010 OM stand fully satisfied on the facts of the present case. The 2010 OM is directed at ensuring that the regulatory authority is not left to consider each component of a project in isolation, without awareness of related or ancillary activities. That objective has been comprehensively met in the present case, for the following reasons:

20.1. The Common Application Form and the EIA Report for the Plant expansion expressly describes the existence and operations of the Dharamtar jetty, thereby placing the regulatory authority on full notice of the operations between the two distinct facilities.

20.2. The CRZ application for the jetty expressly mentions that the jetty expansion is necessitated by the Plant expansion, and this linkage is reflected in the CRZ clearance for the Dharamtar jetty. Full and true disclosure of the existence and linkage of both facilities was accordingly made to the regulatory authorities, who considered the same while granting the relevant approvals.

20.3. The ToR issued for the Plant's expansion expressly mentions the necessity of obtaining CRZ clearance, demonstrating that the Impugned EC was not granted in ignorance of CRZ

requirements. This belies the Appellants' allegation of any concealment or misrepresentation.

20.4. Most tellingly, the public hearing for the Plant expansion and the public hearing for the Dharamtar jetty expansion were conducted in succession at the same venue on the same day i.e., on August 22, 2025, with the jetty hearing commencing immediately after the Plant hearing. Attendees of the Plant hearing were therefore fully aware of, and could participate in, the jetty hearing held immediately thereafter.

It cannot, therefore, be said that the authorities failed to undertake an assessment of the Plant and the jetty, or that the public was denied an opportunity to raise concerns in respect of both. In these circumstances, the Appellants' objection on this ground is, at best, a hyper-technicality that does not go to the root of the matter and cannot, in law, vitiate the Impugned EC. The spirit of the 2010 OM has, in any event, been fully observed.

The project in question did not require a composite application in terms of Cl. 7(iv) of the CRZ Notification, 2019

21. That the Appellants have erroneously alleged that Respondent No. 2 was obliged to apply for a composite clearance under both the EIA Notification and the CRZ Notification, and that the failure to do so renders the Impugned EC illegal. The Appellant has erroneously

placed reliance on Clause 7(iv) of the CRZ Notification, which mandates composite processing where a project qualifies under both the EIA Notification and the CRZ Notification.

22. At the outset, a project requires a composite CRZ and EC clearance only if it qualifies under both the EIA as well as the CRZ Notifications. In the present case, two distinct situations arise, and in neither is Clause 7(iv) of the CRZ Notification attracted:

22.1. First, the Plant itself does not fall within the CRZ and accordingly does not require a CRZ clearance. This position is confirmed by the MCZMA by its letter dated January 01, 2025, and by the EAC. Since the Plant does not attract the CRZ Notification, the precondition for composite processing under Clause 7(iv) of the CRZ Notification is not satisfied and therefore, the question of a composite application does not arise.

22.2. Second, the Linear Facilities, viz., the Cross-Country Conveyor Belt, bridges, water pipeline, and railway line, while falling within the CRZ and requiring CRZ clearance, do not require an EC under the EIA Notification. Since these activities do not attract the EIA Notification, the other precondition for composite processing under Clause 7(iv) of CRZ Notification is equally not met in respect of the Linear Facilities.

22.3. In any case, even though separate applications were made, the Respondent No. 2 made full disclosures, by expressly mentioning it in the EIA Report. Moreover, the ToR issued for the grant of the EC has expressly noted the need for a CRZ clearance for the ancillary activities. Similarly, the EAC which considered the CRZ clearance expressly took note of the expansion of the steel plant. This shows that both the EAC considering the EC for expansion of the steel plant as well as the EAC considering the CRZ clearance for the ancillary activities, did not deem it necessary for the steel plant to separately obtain a CRZ clearance.

In these circumstances, the requirement of a composite EC and CRZ application is not triggered in law. It is pertinent to note that the Respondent No. 2 has duly obtained a CRZ Clearance bearing No. 11/1/2025-IA.III dated November 19, 2025, for the aforesaid Linear Facilities (which do not require an EC). In fact, the grant of the CRZ clearance effectively followed the route contemplated under Cl. 7(iv) of the CRZ Notification, 2019, inasmuch as, it was first considered and recommended by the MCZMA, and eventually by the MoEF&CC.

23. That in view of the foregoing, it is submitted that the allegation of impermissible segmentation and violation of the 2010 OM is wholly

without merit. The challenge to the Impugned EC on this ground is thus liable to be rejected.

The allegations regarding public hearing being vitiated are false and erroneous

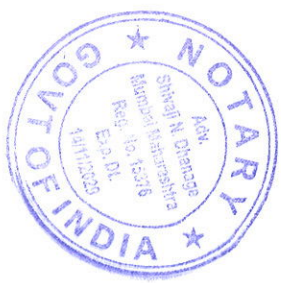
24. That the public hearing in respect of the proposed expansion of the Plant was conducted on August 22, 2025, in full and complete compliance with the EIA Notification and Appendix IV thereunder. The Appellants' challenge to the public hearing proceeds on a fundamental misconception of the applicable legal framework and is, in any event, wholly and directly contradicted by the very record placed on record by the Appellants themselves. Accordingly, the allegation that the public hearing is vitiated, is liable to be rejected in its entirety.

25. That the EIA Notification mandates that public consultation comprise two components: (i) a public hearing at or near the project site, conducted by the State Pollution Control Board in accordance with the procedure specified under Appendix IV; and (ii) receipt of written responses from concerned persons having a plausible stake in the environmental impacts of the proposed project. It is submitted that both limbs were duly fulfilled in the present case. The scheme of Appendix IV mandates advance advertisement in prescribed newspapers, availability of the draft EIA Report and Executive Summary at notified Government offices across the district during

office hours, conduct of the hearing before a presiding officer of competent authority, and accurate recording of proceedings. The EIA Notification does not, at any point, prescribe any minimum duration in terms of hours for the conduct of a public hearing, and no such requirement can be read into it.

26. That the Respondent No. 2 had duly made a request to the MPCB by letter dated June 27, 2025 for conducting the public hearing. That the public hearing was duly notified 30 days in advance by the MPCB, in three newspapers, viz., The Indian Express (English), Krushival (Marathi), and Raigad Times (Marathi), on July 22, 2025, in strict conformity with the requirement of advance newspaper notification prescribed under Appendix IV of the EIA Notification. The mandatory 30-day notice period was accordingly duly complied with before the hearing was conducted on 22nd August 2025.

27. That the scheduling of the public hearing, including the date, venue, and time thereof, falls entirely and exclusively within the domain of the MPCB (who has not been made to party to the captioned appeal), which is the authority mandated under the EIA Notification and Appendix IV (in particular Cl. 1 thereof) in the context of the present case to arrange and conduct public hearings. Respondent No. 2 had no role whatsoever in determining the date, time, venue, or duration of the hearing.



28. That the draft EIA Report and the Executive Summary in both, English and Marathi, were duly made available for public inspection during office hours at all notified Government offices across Raigad District, including the Collector's office, Zilla Parishad, District Industries Centre, MPCB Regional offices, Tehsildar offices, and Gram Panchayat offices, in full compliance with the procedure prescribed under Appendix IV, which is specifically recorded in the Minutes of the Public Hearing held on August 22, 2026. The Draft EIA Report was made available on the MPCB Portal as well as provided to the various officials across the Raigad district along with the communication of the public hearing being scheduled. A copy of the screenshot of the MPCB's Portal indicating the public hearing notice alongwith the Draft EIA Report is annexed hereto and marked as **Annexure R-1**. The Appellants' allegation that the draft EIA Report was not made available to the public prior to the hearing is false, factually incorrect, and is directly contradicted by the minutes of the public hearing placed at *Annexure A8 to the Appeal* itself. It is submitted that the said minutes record that participant Nanda Mhatre (Sr. No. 3) and participant Sanjay Chavarkar (Sr. No. 13) each made specific, substantive references to the draft EIA Report in the course of the hearing, which is itself conclusive proof that the draft EIA Report was not only made available but was in fact accessed and engaged with by participants prior to the hearing.

29. That the public hearing was duly presided over by the Additional District Magistrate, Raigad (an officer of competent rank) as

required under Appendix IV of the EIA Notification and was conducted in the presence of officials of the MPCB, in conformity with the prescribed procedure. The public hearing was held at the JSW Jetty Parking Area, Near Dharamtar Police Check Post, Village Vave (Wadkhal), Taluka Pen, District Raigad, which is a venue at or near the project site as required under the EIA Notification.

30. That the public hearing witnessed substantial and meaningful participation on a large scale and in an orderly manner. A total of 1,142 persons attended the public hearing; 18 persons made oral submissions; and 12,757 written representations were received, of which 12,363 were in support of the project and 394 were in the nature of objections. The substantive concerns raised at the hearing spanned a wide range of environmental and community-related issues, including air and water pollution, local employment, drinking water supply, CSR/CER activities, skill development, tree plantation, slag disposal, and related matters. The public hearing thus, secured the widest possible public participation as intended under the EIA Notification. This clearly belies the submission of the Appellant that only 15 persons were allowed to speak at the public hearing, which is baseless, false and *ex facie* erroneous.

31. That all objections and concerns raised during the public consultation process were comprehensively addressed by the Respondent No. 2 in detailed written responses placed before the EAC. In addition, a revised action plan was prepared in accordance

with the Office Memorandum dated September 30, 2020, setting out specific activities, physical targets, year-wise implementation schedules, and budgetary allocations to address every concern raised at the public hearing. The total budget earmarked under the said action plan amounts to Rs. 175 crores, covering heads such as education, employment support, road infrastructure, drinking water facilities, village waste management, school and sports infrastructure, livelihood support to fishing communities, mangrove and plantation programmes, agricultural support, model village development, and health infrastructure upgradation, with clearly defined target completion dates extending up to December 31, 2028. The EAC, in its 14th meeting, deliberated upon the public hearing issues and the revised action plan and found the same to be satisfactory.

32. That the EAC, in its 14th meeting held on October 30-31, 2025, expressly deliberated upon the public hearing issues and the revised action plan submitted by Respondent No. 2 to address the concerns raised during the public hearing, and found the same to be satisfactory. The said finding is duly and expressly recorded in the Impugned EC. It is not open to the Appellants to re-agitate before this Hon'ble Tribunal matters that have been duly considered, deliberated upon, and found satisfactory by the competent expert statutory authority.

33. That in view of the aforesaid, it is submitted that the public consultation requirement under the EIA Notification was duly and completely met in the present case. The Appellants' submissions to the contrary are false, erroneous, and contrary to the express terms of the EIA Notification and the contemporaneous record and is liable to be rejected.

The allegation that the EIA Report ought to have been rejected is baseless

34. That the Appellants challenge to the adequacy and legality of the EIA Report is entirely baseless, without any merit and is liable to be rejected. As stated earlier, the EIA Report was prepared by a QCI/NABET-accredited environmental consultant and submitted to EAC along with the requisite Form-1, Common Application Form, and supporting technical material. The same was duly reviewed by the EAC against the ToR issued on July 16, 2024, which applying its mind raised EDS queries on 3 occasions, to which detailed responses were furnished on October 22, 2025, November 13, 2025, and December 12, 2025. It was only thereafter that the EAC upon deliberation found that there was compliance with the ToR based on environmental status and projected scenario, upon which the EAC recommended the grant of Environmental Clearance in its 14th meeting held on October 30-31, 2025. That following the recommendation of the EAC, the Impugned EC was granted by the MoEF&CC on January 11, 2026, after independent evaluation and

application of mind. Accordingly, in these circumstances the EAC Report cannot be said to be vitiated sans cogent grounds.

35. That the allegation that the EIA Report lacks objectivity on account of an expression of gratitude by the consultant to the Respondent No. 2 in Section 1.8, Chapter 1 of the EIA Report is trivial, uncharitable, and wholly without legal merit. An expression of professional courtesy in a report's preface does not vitiate the scientific rigour, technical methodology, or substantive content of the EIA. The EAC reviewed the EIA Report on its merits over multiple meetings, raised three rounds of specific queries, scrutinised the responses, and found it to be satisfactory. Hence, the insinuation of bias, merely premised on a prefatory salutation, cannot be sustained and is liable to be rejected. This allegation is symptomatic of the manner in which the Appellant is clutching at straws to impugn the EC, when there exist no real grounds to challenge the same.

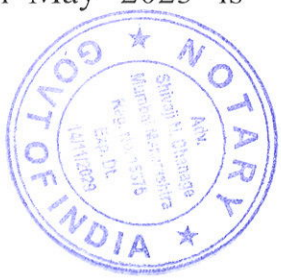
Baseline data collected for preparation of the EIA Report is proper

36. That the allegation that baseline data collected during October–December 2022 is *per se* impermissible and renders the EIA Report non-compliant is legally untenable and directly contrary to the express position in law. The MoEF&CC Office Memorandum dated June 8, 2022 ("**2022 OM**") (*Annexure A4 to the Appeal*), which governs the prescription of baseline data collection timelines, expressly provides in paragraphs 6(i) and 6(iv) therein that "*baseline*

data used for preparation of EIA/EMP reports may be collected at any stage of the EC process or even before the grant of ToR" and is required to be not more than three years old at the time of consideration of EC. Accordingly, the Appellants' contention that baseline data collection cannot begin before the submission of the application for issuance of ToR has no basis. The EIA Notification does not contain any such prescription, and the Appellants cannot read into the Notification a restriction that the regulatory authority responsible for its administration has expressly departed from by way of the 2022 OM.

37. That the baseline data collected during October–December 2022 was well within the three-year validity period stipulated under the 2022 OM at the time of EAC consideration. The ToR itself, issued on July 16, 2024, expressly directed Respondent No. 2 to bear in mind the validity of baseline data under the 2022 OM when submitting the EIA/EMP for appraisal. This unambiguously reflects that the ToR-granting authority itself contemplated and accepted the possibility of pre-ToR baseline data being used in the EIA Report, subject to the conditions specified in the 2022 OM. The EAC and MoEF&CC both accepted the baseline data as representative of the prevailing environmental status, without any objection in this regard.

38. That the allegation that the revalidation of baseline data through a fresh one-season study conducted during March–May 2025 is



impermissible and cannot save the EIA/EMP is denied and is legally unfounded. The 2022 OM expressly provides for revalidation of baseline data through a fresh one-season non-monsoon study, which is precisely the exercise undertaken by Respondent No. 2. The revalidation data was collected through a NABL-accredited laboratory. A compliance statement under the 2022 OM explaining both the October–December 2022 post-monsoon data and the March–May 2025 summer-season revalidation data was placed before the EAC in the 14th meeting, and the EAC was fully satisfied with the same. The allegation that revalidation is impermissible is a bare assertion unsupported by any provision of law or any regulatory guideline and is liable to be rejected accordingly.

39. That the allegation that the EIA Report fails to forecast anticipated impacts and provides no assessment of the existing environmental footprint of the Plant and its allied operations is false as the same has been adequately dealt with and considered by the EIA Report as well as the EAC's deliberations. The contention of the Appellants in this regard is, accordingly, liable to be rejected.

40. That the allegation that the Ambient Air Quality values nearing NAAQS standards were understated in the EIA Report and that the conclusion of "no significant impact" is a bare and unsupported assertion, is false and deserves to be rejected. Section 4.4 of Chapter 4 of the EIA Report contains a detailed, station-specific air quality impact assessment. Predictive air quality modelling was conducted

for all criteria pollutants accounting for stack emissions, raw material handling, and road transport as source categories, which found that the ambient air quality would be well within satisfactory limits once the proposed expansion is operationalised.

41. The EAC, in its 14th meeting, having examined the EIA Report on this aspect, directed Respondent No. 2 to prepare and implement a project specific Ambient Air Quality Management Plan.

42. That the allegation that the EIA Report contains no assessment of health impacts on the local population is false and erroneous. The EIA Report has considered the health impacts on the local population as part of the socio-economic chapter (Chapters 3 and 7 of the EIA Report). Additionally, health concerns raised during the public consultation process were duly addressed. The EAC considered the health of nearby villages in its appraisal, and adequate regulatory safeguards have been built into the Impugned EC to address this concern. In the circumstances, the allegation that the health of villagers and the local population was not considered is factually incorrect and is squarely contradicted by the statutory record.

43. That the marine, estuarine, and aquatic ecology baseline is set out in Section 3.6.7, Chapter 3 of the EIA Report. The impact on aquatic and terrestrial habitat during the construction phase are addressed in Chapter 4, Section 4.3.11, and during the operational phase in Chapter 4, Section 4.4.9 of the EIA Report, covering sources,

embedded control measures, assessment of impacts, mitigation measures, and residual impact. The cumulative impact assessment, encompassing impacts on the aquatic and estuarine receiving environment, is contained in Section 4.4.9 of Chapter 4 of the EIA Report. A perusal of the EIA Report clarifies that with control and mitigation measures, no adverse impact on the terrestrial and aquatic habitat is anticipated. Accordingly, the Appellants' contention that the EIA Report does not contain assessment of impact of the expansion on marine and estuarine ecosystems is ex facie false and incorrect.

44. That the allegation that the EIA Report fails to assess the environmental impacts of increased raw material handling and storage, including coal and iron ore, is wholly without merit and cannot be sustained.

45. The EIA Report duly addresses this aspect in express and considerable detail:

45.1. First, as regards quantification, Chapter 2 of the EIA Report contains a dedicated raw material requirement table setting out the quantities at 10 MTPA, the additional quantities, and the total quantities at 15 MTPA for each raw material category, with the total raw material requirement increasing from approximately 31.94 MTPA to approximately 43.60 MTPA. The source and mode of transport for each material is also

specified therein. The EIA Report expressly states that the existing material handling facilities shall be augmented by Respondent No. 2 to handle the additional raw material.

45.2. Second, as regards environmental impact, the EIA Report analyses the impact on ambient air quality on account of raw material handling and concludes that the same is anticipated to remain within the NAAQS norms.

45.3. Third, as regards traffic impact, the EIA Report analyses the impact on road and traffic on account of raw material and product movement and concludes that the same shall remain unaffected. Thus, it is clear that EIA Report comprehensively deals with handling of raw material.

46. That the allegation that the EIA/EMP Report inadequately assesses freshwater requirements and fails to consider impacts of freshwater drawal from the Amba River is false and cannot be sustained. The EIA Report records that the freshwater make-up water requirement increases from 97,113 m^3/day at 10 MTPA (3.54 m^3/tcs) to 1,26,249 m^3/day at 15 MTPA; however, the specific water consumption per tonne of crude steel actually reduces to 3.07 m^3/tcs, reflecting improved water use efficiency at the expanded scale. It is further recorded that Respondent No. 2 presently holds an agreement with the Irrigation Department for the supply of 160.84 MLD of make-up water, of which 151.86 MLD is allocated for plant operations.

Accordingly, the freshwater requirement for the expanded capacity is fully accommodated within the existing sanctioned allocation and no additional drawal from the Amba River is necessitated. The water requirement during the construction phase shall be met from the existing water network of the Plant. Furthermore, no groundwater is to be extracted during the operational phase of the Plant after the proposed expansion.

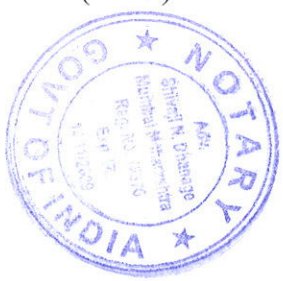
47. That the allegation that the EIA Report does not assess impacts on Dolvi village, situated at a distance of approximately 0.15 km from the project site, from fugitive emissions and process operations is unsustainable. Section 3.7 of Chapter 3 of the EIA Report, as a part of its socio-economic study, covers the baseline data with respect to the health care system, and the EIA Report observes that healthcare system, specifically Aanganwadi, can benefit from Respondent No. 2's CSR activities in the Raigad District, which includes Dolvi village. Section 4.7 of the EIA Report considers the potential impact on the Dolvi village and the habitation in the vicinity of the Plant and observes that Respondent No. 2 has envisaged various environmental management measures to ensure that no adverse impacts of the project affect the nearby habitations or other sensitive areas within the study area.

48. In this regard, the EIA Report records that measures already undertaken to minimise the impact of project activities on the surroundings include: (i) plantation carried out on 51.00 hectares of

forest land in consultation with the Forest Department; (ii) mangrove restoration comprising mangrove and other plantation on 197.90 hectares across six villages (Thal, Vithalwadi, Thakurbedi, Tamshibandar, Ghodabandar, and Janavli) with 10,62,377 plants; (iii) conveyance of raw material predominantly through closed conveyor belts, thereby eliminating direct interaction with the flora and fauna of the area and minimising road transportation impacts; and (iv) installation of air pollution control equipment (including Electrostatic Precipitators, bag filters, fugitive emission control systems, and dust suppression measures), an Effluent Treatment Plant, and greenbelt along the periphery of the Plant.

49. That the allegation of the EIA Report being silent about the fact that the existing industry itself lacks necessary greenbelt as mandated by the clearances obtained, and the EAC's ignorance of this very serious violation in granting the Impugned EC is utterly misplaced. It is submitted that the statistics placed before and accepted by the EAC demonstrate that Respondent No. 2 has substantially complied with the greenbelt conditions of the existing EC dated June 16, 2020. The EC dated June 16, 2020 stipulates a two-part greenbelt obligation: (i) development of greenbelt over 16% of the project area within the plant premises; and (ii) development of greenbelt over 33% of the project area within 10 km of the study area.

50. As against these obligations, the EIA Report records that within the plant premises, greenbelt had been developed over 88.26 ha (14%)



of the total project area with a balance of 11.34 ha (2%) under ongoing development. With respect to 33% outside the plant boundary, it is recorded that greenbelt had been developed over 248.90 ha (40%) which is substantially in excess of the prescribed 33% requirement. (See Table 4.24 at page 307 of the EIA Report).

51. The greenbelt position was also specifically addressed at the 14th EAC meeting. The EAC was fully apprised of the within-plant deficit and, rather than treating it as a ground to deny the EC, exercised its expert judgment and issued a time-bound direction to achieve a total of 156.84 ha (25%) of within-plant greenbelt by the next monsoon season of 2026. Accordingly, the Impugned EC at specific condition 1.11 took these facts into account and requires Respondent No.2 to fulfil the said condition.

Allegations regarding slag management and disposal are baseless

52. That the challenge to the EIA Report's treatment of slag generation, management, and disposal is denied and is, in material part, directly answered by a final judicial determination. As regards the present status of slag, this Hon'ble Tribunal had, in OA No. 122 of 2015 (which was specifically disclosed by Respondent No. 2 in the Common Application Form placed before the EAC), returned a finding that the slag generated by Respondent No. 2 is non-hazardous in nature.

53. Significantly, the said finding was rendered based on the Note appended to Sch. I of the HAZARDOUS AND OTHER WASTES (MANAGEMENT AND TRANSBOUNDARY MOVEMENT) RULES, 2016, which specifically recognises that "*Slags from pyrometallurgical operations .... are excluded from the category of hazardous wastes.*"

54. The said finding has not been interfered by the Hon'ble Supreme Court, which, by order dated January 29, 2026, noted Respondent No. 2's compliance with CPCB guidelines on slag management and directed continued compliance therewith. The Appellants' attempt to re-agitate the non-hazardous character of slag and to assail the adequacy of the slag disposal plan is directly contrary to a final determination by the highest court in the land and is liable to be rejected on that ground alone.

55. With respect to the allegation of non-consideration of groundwater contamination, it is submitted that the EIA Report specifically addresses the impact and mitigation measures in Chapter 4. Additionally, in the Certified Compliance Report and the Action Taken Report submitted in respect of the prior EC conditions (*Annexures 1.2 and 1.3 respectively of Volume II, EIA Report*), it was observed that all EC conditions were being complied with, save for the non-installation of piezometers for groundwater quality monitoring. Respondent No. 2's position on this was that: (i) Respondent No. 2 does not extract groundwater for plant operations whatsoever, and accordingly treated the piezometer installation

condition as not applicable on that basis; (ii) notwithstanding this position, Respondent No. 2 proactively undertook groundwater quality monitoring through a NABL-accredited laboratory for the summer season, and committed to conducting regular groundwater quality monitoring and submitting results with the six-monthly compliance reports. The EAC in its 14th meeting considered the issue threadbare and consequently a specific EC condition was incorporated that Respondent No. 2 shall install one piezometer near the slag dumping yard (downstream direction) These conditions are specific, scientifically calibrated, and legally enforceable, and they comprehensively address the concerns the Appellants raise. The allegation that the EIA/EMP provided no assessment of slag management for the expanded capacity is incorrect as the relevant material in this regard was considered by the EAC, which addressed it through substantive and binding EC conditions.

Allegations as regards Coke Oven Operations are false and without any merits

56. That the allegation that the coke oven operations of Dolvi Coke Projects Limited require an amended Environmental Clearance as a prerequisite to the grant of the impugned EC to Respondent No. 2 is legally misconceived. Dolvi Coke Projects Limited was a separate and independent legal entity holding its own Environmental Clearance for its coke oven operations at the relevant time. Subsequently, the same was merged in JSW Steel Limited and the

EC was transferred to Respondent no 2 on November 22, 2021. Thus, the present coke ovens present are of Respondent no 2. Further, the expansion from 10 to 15MTPA does not envisage any capacity addition or changes to the existing coke oven units. Thus the already existing unit will not require fresh consideration as the same is already operating with valid permissions. The existing and operating coke oven plant has no bearing of whatsoever nature on the validity of the Impugned EC granted to Respondent No. 2. Hence, allegations in this regard are required to be rejected *in limine*.

57. That Impugned EC itself records that the project was assessed under Schedule Entries 3(a) (Metallurgical Industries) and 4(b) (Coke Oven Plants) of the EIA Notification, 2006, demonstrating that the EAC was fully aware of, and specifically addressed, the coke oven component as part of its integrated appraisal of the Plant. The allegation that coke ovens were not considered during the appraisal process is without any factual basis.

Allegations qua concerns over non-achievement of Zero Liquid Discharge are baseless

58. That the allegation that non-achievement of Zero Liquid Discharge ("**ZLD**") vitiates the EIA Report and accordingly impacts the grant of the Impugned EC is misconceived. The present position is that treated effluent from Respondent No. 2's plant is discharged through a dedicated cross-country pipeline into the Amba Estuary at a

designated outfall point. This is in accordance with the specific condition under the EC dated June 16, 2020, which allowed for the treated waste water to be discharged into the sea upon obtaining a CRZ Clearance, which clearance has been obtained on April 5, 2023. The EAC was fully aware of this existing treated effluent discharge arrangement when granting its recommendation. Respondent No. 2 has submitted an undertaking before the EAC committing to achievement of full ZLD by December 2027, supported by an infrastructure plan for a CETP for which a Letter of Intent has been issued. The impugned EC accordingly contains a binding, time-bound ZLD obligation with interim compliance requirements mandating that treated effluent discharge meet CPCB standards at all times and that online analyser connectivity with MPCB and CPCB be maintained. These are comprehensive, legally enforceable conditions that specifically address the concern the Appellants raise. The allegation that Respondent No. 2 has been releasing hot, untreated effluent directly into the Amba River is false and denied.

59. That the allegation that natural creeklets and drainage channels within and adjacent to the project area fall within CRZ-IA under the CRZ Notification, and that the EIA/EMP inadequately addresses impacts on these water bodies, is baseless. The MCZMA, by way of its recommendation to the MoEF&CC confirmed that the proposed plant and machinery expansion of Respondent No. 2 is situated outside the CRZ, and that a CRZ clearance is not required for the Plant itself. A separate CRZ Clearance dated November 19, 2025,

was independently obtained for the Linear Facilities, which are located within CRZ areas.

60. Even otherwise, the EAC specifically noted the presence of natural creeks within and adjacent to the project area and imposed binding conditions requiring Respondent No. 2 to implement robust drainage and soil conservation measures, erosion control measures, and a marine ecology monitoring programme in accordance with CRZ Clearance conditions. The allegation of inadequate assessment of creek impacts is accordingly incorrect.

61. That the allegation that Respondent No. 2 suppressed the existence of a "mega cement plant" within the vicinity of the project is baseless and that the EIA/EMP provides no cumulative impact assessment is denied. The existence of JSW Cement Limited and other entities operating within the Dolvi Works complex under their own, separate Environmental Clearances has been disclosed. The EAC was, accordingly, fully informed of the character of the project site and its industrial neighbourhood at the time of appraisal. Accordingly, there has been no suppression of any material information.

62. That the allegation that the EIA/EMP is inadequate for being based on data from less than three seasons and does not capture the monsoon or flood character of the project area is denied. The sufficiency of the baseline data, comprising the October–December 2022 post-monsoon study and the March–May 2025 summer-season

revalidation, has been addressed in the preceding paragraphs and satisfies the prescription of the 2022 OM. As regards the flood-proneness of the area, Section 3.4.3 of the EIA Report has contemplated and even the EAC has specifically deliberated upon this aspect. It has been noted that no flood occurrence has been observed at the project site for the preceding 25 years.

63. That the allegation that Respondent No. 2 submitted a "new EIA report" after the public hearing and that a fresh public hearing is consequently required is denied and is misconceived. The appraisal process is iterative in nature and routinely involves submission of additional replies, clarifications, compliance reports and responses to observations raised by the EAC or MoEFCC. Such submissions are an integral part of the appraisal process and cannot be construed as modifications requiring a fresh public hearing. What was submitted to the EAC after the public hearing was: (i) a revised action plan prepared in terms of the MoEF&CC Office Memorandum dated September 30, 2020, addressing the concerns raised during the public hearing; and (ii) detailed responses to the EDS and Additional Data Sheet queries raised by the EAC during the appraisal process. These submissions are part of the appraisal procedure under the EIA framework and in no manner constitute a "new EIA report" requiring a fresh public hearing.

64. That it is submitted, in conclusion the Appellants' challenge to the EIA Report is baseless as adequate baseline data has been studied

and referred for undertaking a comprehensive impact analysis of the expansion of the Plant capacity. The EAC raised three rounds of specific and technical queries; received and examined detailed responses; deliberated upon all environmental concerns including air quality, water management, slag disposal, health impacts, proximate habitations, creeks, and greenbelt compliance; and recommended grant of EC upon being satisfied with the material before it. The aforesaid submissions clearly demonstrate that adequate application of mind has been undertaken by the EAC and MoEF&CC before granting of the Impugned EC with comprehensive and enforceable conditions. Accordingly, the contentions of the Appellants' are liable to be rejected in toto.

PARA WISE REPLY

65. The para-wise responses to Appeal are set out below:

66. With reference to paragraphs 1-3 of the Appeal, the contents thereof are denied save and except those that are matters of record, and facts as admitted to above. It is denied that the Impugned EC has been issued without any assessment and in violation of the EIA Notification, 2006. The specific allegations against the Impugned EC are dealt with hereunder.

67. With reference to paragraph 4 of the Appeal, the contents thereof are denied save and except those that are matters of record, and facts as

admitted to above. In this regard, the submissions advanced in the Preliminary Submissions hereinabove are reiterated and are not reproduced for the sake of brevity. It is denied that the Impugned EC has been issued despite the fact that siting is prohibited, project has been segmented to avoid proper assessment and appraisal of impacts without considering the impact of the existing Plant and pollution on the people and ecology of the area despite the EIA failing to assess the impact of the proposed project despite the fact that the public hearing was reduced to a formality and conducted illegally etc.

68. With reference to paragraphs 5-8 of the Appeal, the contents thereof are denied save and except those that are matters of record, and facts as admitted to above. In this regard, the submissions advanced in paragraphs 11 – 16 of the Preliminary Submissions hereinabove are reiterated and are not reproduced for the sake of brevity. It is denied that Respondent No. 1 ought to have considered the issue of siting even if Respondent No. 2 had applied for "expansion". It is denied that the size sought to be expanded i.e. 5 MTPA is extremely large and will have a serious impact on the environment. It is denied that the issue of siting goes to the root of the matter and no equity can be claimed by the Respondent No. 2 by claiming that the Plant already exists at the site. It is further denied that the siting requirements were ignored earlier or there is any illegality which is being compounded by permitting the expansion.

69. With reference to paragraphs 9 – 11 of the Appeal, the contents thereof are denied save and except those that are matters of record, and facts as admitted to above.

70. With reference to paragraph 12 -13 of the Appeal, the contents thereof are denied save and except those that are matters of record, and facts as admitted to above. In this regard, the submissions advanced in paragraphs 17 – 23 of the Preliminary Submissions hereinabove are reiterated and are not reproduced for the sake of brevity. It is denied that Respondent No. 2 has lied and misrepresented in the Application for seeking the ToR. It is submitted that the response to whether the proposal has inter-linked activities in the application forms for the steel plant and the Dharamtar jetty expansion respectively, was rightly answered in the negative. It is denied that the statement in the Application is a blatant lie or that the proposal for expansion of Respondent No. 2's plant is inextricably interlinked with the proposal of the Dharamtar jetty expansion and also the proposal for CRZ clearance for the construction of water pipelines, bridges, cross country conveyors, etc.

71. With reference to paragraph 14 of the Appeal, the contents thereof are denied save and except those that are matters of record, and facts as admitted to above. In this regard, the submissions advanced in paragraphs 17 – 23 of the Preliminary Submissions hereinabove are reiterated and are not reproduced for the sake of brevity. It is denied

that the Impugned EC is in illegal and void ab initio. It is denied that Respondent No. 2 has illegally segmented the project and applied for clearances in silos, preventing comprehensive and correct assessment of the impact of the project as mandated by law. It is denied that Respondent No. 2 engineered the segmentation by applying for CRZ clearance separately and EC and CRZ clearance for Dharamtar jetty separately.

72. With reference to paragraph 15 - 16 of the Appeal, the contents thereof are denied save and except those that are matters of record, and facts as admitted to above. In this regard, the submissions advanced in paragraphs 17 – 20 of the Preliminary Submissions hereinabove are reiterated and are not reproduced for the sake of brevity. It is denied that the Plant expansion, Dharamtar jetty expansion and construction of pipeline and conveyors are one project for which Respondent No. 2 ought to have applied for clearance as one proposal.

73. With reference to paragraph 17 – 19 of the Appeal, the contents thereof are denied save and except those that are matters of record, and facts as admitted to above. In this regard, the submissions advanced in paragraphs 21 – 22 of the Preliminary Submissions hereinabove are reiterated and are not reproduced for the sake of brevity. It is denied that Respondent No. 2 was prosecuting a separate proposal under the CRZ Notification. It is reiterated that the Plant did not fall within the CRZ area and hence did not require a

CRZ approval. It is also reiterated that a CRZ clearance was obtained vide CRZ Clearance No. 11/1/2025-IA.III dated November 19, 2025.

74. With reference to paragraph 20 – 21 of the Appeal, the contents thereof are denied save and except those that are matters of record, and facts as admitted to above. In this regard, the submissions advanced in paragraphs 17 – 23 of the Preliminary Submissions hereinabove are reiterated and are not reproduced for the sake of brevity. It is denied that Respondent No. 2 ought to have applied for clearance for the entire industry including the components of pipelines, bridges, etc. It is denied that there has been any violation of any law in obtaining the relevant clearances. It is denied that the alleged violation has serious ramifications and environmental consequences. It is denied that the impact of the infrastructures has not been assessed along with the Plant's impact assessment. It is denied that public hearing was not duly conducted. It is denied that the Respondent No.1 ought to reject the allegedly segmented proposal under the CRZ Notification.

75. With reference to paragraph 22 of the Appeal, the contents thereof are denied save and except those that are matters of record, and facts as admitted to above. It is denied that the Dharamtar jetty serves only Respondent No. 2's Plant or that its capacity has been expanded every time the Respondent No. 2 expanded capacity.

76. With reference to paragraph 23 – 24 of the Appeal, the contents thereof are denied save and except those that are matters of record, and facts as admitted to above. In this regard, the submissions advanced in paragraphs 19.3 of the Preliminary Submissions hereinabove are reiterated and are not reproduced for the sake of brevity. It is submitted that reliance on the pre-feasibility report and EIA report are self-destructing arguments insomuch as they reveal that the Dharamtar jetty would also handle third party cargo.

77. With reference to paragraph 25 – 28 of the Appeal, the contents thereof are denied save and except those that are matters of record, and facts as admitted to above. In this regard, the submissions advanced in paragraphs 17 – 23 of the Preliminary Submissions hereinabove are reiterated and are not reproduced for the sake of brevity. It is denied that the Dharamtar jetty is not a standalone project or that its operations are dependent on the Plant. It is denied that these projects are interlinked or interrelated. It is denied that Respondent No. 2 has violated the law by applying for clearances in segmented fashion. It is denied that Respondent No. 2 has acted in a manner that has resulted in a situation where the true magnitude of the industrial activities and impact on the receiving environment has never been assessed. It is denied that the present round of expansion is sought to be executed in a fashion defeating the purpose of law. It is denied that the impugned EC has been granted in violation of the 2010 OM. It is reiterated that the relevant approvals were sought on the basis of the components that fell within the scope of CRZ

Notification and those that did not. In this regard, it is submitted that the EIA Report has adequately assessed the impact of each of these components to the extent relevant and necessary.

78. With reference to paragraph 29 of the Appeal, the contents thereof are denied save and except those that are matters of record, and facts as admitted to above. In this regard, the submissions advanced in the Preliminary Submissions hereinabove are reiterated and are not reproduced for the sake of brevity. It is denied that the Application form submitted by R2 is rife with false information resulting in vitiating the ToR and the entire consideration of the proposal. It is denied that the public hearing requirement under the EIA notification was reduced to a formality and the Respondent No. 2 has made a mockery of the law.

79. With reference to paragraph 30 of the Appeal, the contents thereof are denied save and except those that are matters of record, and facts as admitted to above. In this regard, the submissions advanced in paragraphs 24 – 33 of the Preliminary Submissions hereinabove are reiterated and are not reproduced for the sake of brevity. It is denied that the public hearing held on August 22, 2025 is illegal and contrary to the EIA Notification. It is denied that the public hearing inter alia suffers from any illegalities which go to the root of the process.

80. With reference to paragraph 31 – 32 of the Appeal, the contents thereof are denied save and except those that are matters of record, and facts as admitted to above.

81. With reference to paragraph 33 – 34 of the Appeal, the contents thereof are denied save and except those that are matters of record, and facts as admitted to above. In this regard, the submissions advanced in paragraphs 24 – 33 of the Preliminary Submissions hereinabove are reiterated and are not reproduced for the sake of brevity. It is denied that conducting the public hearing for one hour was patently illegal. By its own admission, the Appellant has stated that the EIA Notification does not specify time duration for conduct of public hearing and that it cannot be put into a straight jacket.

82. With reference to paragraph 35 of the Appeal, the contents thereof are denied save and except those that are matters of record, and facts as admitted to above. In this regard, the submissions advanced in paragraphs 25 – 27 of the Preliminary Submissions hereinabove are reiterated and are not reproduced for the sake of brevity. It is denied that a period of one hour is highly inadequate and no effective discussion and deliberation of the proposed project was possible. It is further denied that the fact that the time fixed for the public hearing was only one hour clearly demonstrates that the authorities meant for this to be an empty formality and an eye wash.

83. With reference to paragraph 36 – 37 of the Appeal, the contents thereof are denied save and except those that are matters of record, and facts as admitted to above. In this regard, the submissions advanced in paragraphs 24 – 33 of the Preliminary Submissions hereinabove are reiterated and are not reproduced for the sake of brevity. It is denied that the number of persons who are allowed to speak was restricted. It is denied that the authorities did not permit the people who attended the public hearing to participate. It is specifically denied that only 15 persons were allowed to speak. It is denied that the entire public hearing process was thus railroaded and rendered nugatory. It is denied that the authorities ensured that the hearing was concluded in one hour and people were denied the opportunity to participate.

84. With reference to paragraph 38 – 42 of the Appeal, the contents thereof are denied save and except those that are matters of record, and facts as admitted to above. In this regard, the submissions advanced in paragraphs 28 – 31 of the Preliminary Submissions hereinabove are reiterated and are not reproduced for the sake of brevity. It is denied that the copy of the draft EIA report was not made available prior to the public hearing. It is submitted that the minutes of the public hearing clearly indicate that specific references were made to the draft EIA report when seeking clarifications or making suggestions. It is denied that persons who participated in the public hearing were not allowed to register their views and seek clarifications. It is denied that the effective discussion of all concerns

arising out of the project has been compromised. It is submitted that it was open to the public to seek further suggestions or objections could be made in writing after the public hearing as well.

85. With reference to paragraph 43 of the Appeal, the contents thereof are denied save and except those that are matters of record, and facts as admitted to above. In this regard, the submissions advanced in paragraphs 24 – 33 of the Preliminary Submissions hereinabove are reiterated and are not reproduced for the sake of brevity. It is denied that the procedure mandated by law was not duly followed. It is reiterated that the public hearing was conducted by the statutory authorities in accordance with the prescribed procedure.

86. With reference to paragraph 44 of the Appeal, the contents thereof are denied save and except those that are matters of record, and facts as admitted to above. In this regard, the submissions advanced in paragraphs 27 – 30 of the Preliminary Submissions hereinabove are reiterated and are not reproduced for the sake of brevity. It is denied that over 3000 persons attended the public hearing (actual number of attendees was 1142). It is further denied that it is impossible that an effective public hearing could have been conducted in a span of one hour. It is denied that the presence of police personnel at the public hearing created an atmosphere of fear and intimidation. The police personnel were merely deployed to maintain law and order and manage the gathering of participants as per protocol. It is submitted that the public hearing was concluded peacefully.

87. With reference to paragraph 45 – 46 of the Appeal, the contents thereof are denied save and except those that are matters of record, and facts as admitted to above. In this regard, the submissions advanced in paragraphs 24 – 33 of the Preliminary Submissions hereinabove are reiterated and are not reproduced for the sake of brevity. It is denied that the public hearing conducted in the instant case is patently illegal and the failure of the Respondent No. 1 to even notice these facts is demonstrative of the lack of application of mind and abdication of its responsibility.

88. With reference to paragraph 47 of the Appeal, the contents thereof are denied save and except those that are matters of record, and facts as admitted to above. In this regard, the submissions advanced in paragraphs 34, 39, 56, 57, 61 of the Preliminary Submissions hereinabove are reiterated and are not reproduced for the sake of brevity. It is denied that the EIA Report is vitiated and ought to have been rejected by the Respondent No. 1. It is denied that the EIA Report does not forecast the anticipated impacts and does not provide any information on the pollution caused/environmental footprint of the existing mega steel plant. It is denied that the EIA Report does not even discuss the footprint of the coke ovens, pellet plants and grinder / cement plant of Respondent No. 2's industry, operated by sister concerns. It is denied that the EIA lacks objectivity.

89. With reference to paragraph 48 – 50 of the Appeal, the contents thereof are denied save and except those that are matters of record, and facts as admitted to above. In this regard, the submissions advanced in paragraphs 36 – 38 of the Preliminary Submissions hereinabove are reiterated and are not reproduced for the sake of brevity. It is denied that the collection of baseline data and preparation of EIA report cannot begin before submission of the application. It is denied that Respondent No. 2 did not comply with the ToR and collect data to address the ToR issued but has merely provided justifications sans data to provide lip service to the ToR issued. It is denied that there has been any serious violation which has rendered the entire scoping stage of the EIA process nugatory.

90. With reference to paragraph 51 of the Appeal, the contents thereof are denied save and except those that are matters of record, and facts as admitted to above. In this regard, the submissions advanced in paragraphs 36 – 38 of the Preliminary Submissions hereinabove are reiterated and are not reproduced for the sake of brevity. It is denied that revalidation is impermissible under the EIA Notification. It is submitted that revalidation was carried out through NABL accredited laboratory. It is denied that Respondent No. 2 cannot hope to justify the legality of the EIA Report based on outdated data, or on the basis of the data collected by themselves in violation of the 2022 OM and the EIA Notification.

91. With reference to paragraph 52 of the Appeal, the contents thereof are denied save and except those that are matters of record, and facts as admitted to above. In this regard, the submissions advanced in paragraphs 39 – 40, 48 of the Preliminary Submissions hereinabove are reiterated and are not reproduced for the sake of brevity. It is denied that EIA Report does not provide data on the pollution caused in the vicinity of the plant by virtue of its existing operations. It is denied that the EIA Report proceeds to euphemize the impact of the proposed expansion.

92. With reference to paragraph 53 of the Appeal, the contents thereof are denied save and except those that are matters of record, and facts as admitted to above. In this regard, the submissions advanced in paragraphs 43 – 46 of the Preliminary Submissions hereinabove are reiterated and are not reproduced for the sake of brevity. It is denied that the EIA Report does not assess the impact of the proposed expansion on the health of the people, the marine and the estuarine ecosystems, flora and fauna. It is denied that the EIA Report does not contain details about the pollution that will be caused by the exponential increase in raw material handling for the expansion. It is further denied that the impact of water drawal has not been studied in the EIA.

93. With reference to paragraph 53 – 55 of the Appeal, the contents thereof are denied save and except those that are matters of record, and facts as admitted to above. In this regard, the submissions

advanced in paragraph 58 of the Preliminary Submissions hereinabove are reiterated and are not reproduced for the sake of brevity. It is submitted that the Respondent No. 2 has committed to achieving ZLD by December 2027 and the same is reflected in the records.

94. With reference to paragraph 56 – 60 of the Appeal, the contents thereof are denied save and except those that are matters of record, and facts as admitted to above. In this regard, the submissions advanced in paragraphs 34 – 64 of the Preliminary Submissions hereinabove are reiterated and are not reproduced for the sake of brevity It is denied that Respondent No. 2 has provided arbitrary figures on specific consumption with no justification. It is denied that EIA Report contains no "assessment" of these aspects. It is denied that the EIA Report fails to assess the impact of the Plant's operations on the people in the immediate vicinity of the plant and its installations. It is denied that there is absolutely no assessment of the industrial activity and its impact on the health of the people. It is denied that health concerns and impact have received no consideration from Respondent No. 1. It is denied that this vitiates clearance. It is denied that the impact on groundwater pollution from the operation of the plant, discharge of effluent, seepage etc have not been considered in the EIA Report.

95. With reference to paragraph 61 – 62 of the Appeal, the contents thereof are denied save and except those that are matters of record,

and facts as admitted to above. In this regard, the submissions advanced in the Preliminary Submissions hereinabove are reiterated and are not reproduced for the sake of brevity It is denied that Respondent No. 2's industry is contributing to the particulate matter pollution. It is denied that the EIA fails to recognize this fact and merely states theoretical emission levels as a justification to state that there is no pollution and to forecast extremely unrealistic values as expected emissions from the plant. It is denied that the very purpose of EIA studies has been defeated. It is denied that Respondent No.2 is in consistent violation of conditions relating to pollution control and mitigation measures.

96. With reference to paragraph 63 of the Appeal, the contents thereof are denied save and except those that are matters of record, and facts as admitted to above. In this regard, the submissions advanced in paragraphs 52 – 54 of the Preliminary Submissions hereinabove are reiterated and are not reproduced for the sake of brevity. It is denied that the generation, storage, usage and disposal of slag resulting from the projected expansion from 10 MTPA to 15 MTPA has not been assessed. It is denied that any legacy slag is being generated, contaminating and polluting the environment on account of Respondent No. 2. It is denied that the expansion proposal does not address the issue except for stating that it will be consumed by the cement plant. It is submitted that the EAC has advised Respondent No. 2 to appropriately deal with slag and Respondent No. 2 is obligated to do so as part of the clearances obtained.

97. With reference to paragraph 64 of the Appeal, the contents thereof are denied save and except those that are matters of record, and facts as admitted to above. In this regard, the submissions advanced in paragraphs 61 of the Preliminary Submissions hereinabove are reiterated and are not reproduced for the sake of brevity. It is denied that Respondent No. 2's position that 100% granulated blast furnace slag is utilized in the cement plant of JSW Group companies as stated in its Environmental Clearance compliance report is false and devoid of any merit. It is denied that there is no evidence proving actual capacity, timeframes, or adequate infrastructure for using both legacy and present slag. It is submitted that slag utilisation is not restricted to a single facility and that the Respondent No. 2 operates many cement manufacturing facilities specifically designed to consume granulated blast furnace slag as a key raw material. It is denied that the cement plant of the Respondent No. 2 is running at capacity and the EIA does not address the issue as to how the quantum of slag generated as a result of the 5 MTPA increase will be managed / utilized. It is pertinent to note that aged steel slag generated within the plant will be used for development and levelling of internal low-lying areas as part of land improvement and resource conservation measures.

98. With reference to paragraph 65-66 of the Appeal, the contents thereof are denied save and except those that are matters of record, and facts as admitted to above. In this regard, the submissions

advanced in paragraphs 52 – 55 of the Preliminary Submissions hereinabove are reiterated and are not reproduced for the sake of brevity. It is denied that the Respondent No. 2 is illegally disposing of slag outside its premises. It is further denied that that farmers from at least 10 nearby villages have complained about the Respondent No. 2's dumping of slag on agricultural lands which has caused the decline of soil fertility, agricultural produce and contamination of surface and groundwater. It is submitted that the Appellants have not relied on any material to make such allegations and hence, are put to strict proof thereof.

99. With reference to paragraph 67 – 69 of the Appeal, the contents thereof are denied save and except those that are matters of record, and facts as admitted to above. In this regard, the submissions advanced in paragraphs 52 – 54 of the Preliminary Submissions hereinabove are reiterated and are not reproduced for the sake of brevity. It is denied that the Impugned EC does not examine whether the existing plant complies with these guidelines, nor does it assess how an additional 2.5 million tonnes of slag per annum proposed to be generated would be managed in conformity with law. It is further denied that the regulatory authorities have unlawfully granted clearance for further expansion.

100. With reference to paragraph 70 - 71 of the Appeal, the contents thereof are denied save and except those that are matters of record, and facts as admitted to above. It is further denied that management

plan proposed in the EIA, which has been cleared by the Respondent No. 1 cannot be implemented.

101. With reference to paragraph 72 – 75 of the Appeal, the contents thereof are denied save and except those that are matters of record, and facts as admitted to above. In this regard, the submissions advanced in paragraphs 56 – 57 of the Preliminary Submissions hereinabove are reiterated and are not reproduced for the sake of brevity. It is matter of record that the Impugned EC also records that there is a existing Coke oven and its capacity is also provided in Annexure III of the impugned EC. There was comprehensive assessment of all the existing units by the EAC and after deliberations only the Impugned EC was granted. Since there is no addition in capacity of the already existing and operating coke ovens there is no question of having any adverse effects. It is denied that in the absence of prior environmental clearance for enhanced coke oven capacity, the impugned EC for steel plant expansion is legally untenable and liable to be rejected.

102. With reference to paragraph 76 – 81 of the Appeal, the contents thereof are denied save and except those that are matters of record, and facts as admitted to above. In this regard, the submissions advanced in paragraphs 58 of the Preliminary Submissions hereinabove are reiterated and are not reproduced for the sake of brevity. It is denied that Respondent No. 2 has been releasing hot, untreated effluent in the Amba river. It is denied that the proposed

expansion from 10 MTPA capacity to 15 MTPA will only increase the discharge of hot, untreated effluent into the Amba river by 50% and cause irreversible damage to the ecology of the river and affect the livelihood of the fisherfolk. It is denied that Respondent No. 2 discharges any untreated waste and effluent in the creeklets. It is denied that any aspect of flooding or filtering the storm water has not been properly considered and assessed in the EIA Report.

103. With reference to paragraph 82 – 83 of the Appeal, the contents thereof are denied save and except those that are matters of record, and facts as admitted to above. In this regard, the submissions advanced in paragraphs 34 – 64 of the Preliminary Submissions hereinabove are reiterated and are not reproduced for the sake of brevity It is denied that Respondent No. 2 has suppressed the fact that a mega cement plant is to be established within 2 km of the Plant. It is denied that the EIA is silent about any of the other industries within 10 – 15 km radius, silent about the impact of the coke oven and other constituent polluting units operating with separate consents and has failed to provide cumulative impact assessment or carrying capacity assessment – of the river, the airshed and the local environment. It is also denied that Respondent No. 2 has suppressed this information in the form – I application filed and has prevented any meaningful assessment of impacts. It is denied that the subject EIA is based on a singular instance of data collection in one season. It is denied that the EIA does not aid in understanding

the baseline environment and the impact the project will have on the environment.

104. With reference to paragraph 84 of the Appeal, the contents thereof are denied save and except those that are matters of record, and facts as admitted to above. It is denied that Respondent No. 2 has submitted a new EIA report, voluminous documents etc., after the public hearing. It is reiterated that only responses to the EDS/ADS queries raised by the EAC during the appraisal process were submitted subsequent to the public hearing and thus, it is denied that a fresh public hearing has to be undertaken. It is denied that Respondent No. 1 has failed to appreciate the fact that the existing plant itself has been causing serious pollution and has granted the Impugned EC without any application of mind. It is submitted that the EIA Report was generated pursuant to the suggestions and clarifications to the draft EIA report at the time of public hearing. It is reiterated that the Impugned EC has been granted after due application of mind and after following the process mandated by law.

105. With reference to paragraph 85 – 91 of the Appeal, the contents thereof are denied save and except those that are matters of record, and facts as admitted to above. In this regard, the submissions advanced in the Preliminary Submissions hereinabove are reiterated and are not reproduced for the sake of brevity.

106. With reference to paragraph 92 – 97 of the Appeal, the contents thereof are denied save and except those that are matters of record, and facts as admitted to above. In this regard, the submissions advanced in the Preliminary Submissions hereinabove are reiterated and are not reproduced for the sake of brevity. It is denied that studies that are mandated to be conducted after the public hearing and the EAC meetings, have not been placed for consideration of the public. It is denied that any fresh studies have been mandated after the final EIA Report has been placed for consideration and some important studies are even mandated to be conducted at a later stage. It is submitted that the obligations cast on Respondent No. 2 by the EAC are in the nature of enforceable conditions of granting the Impugned EC and the same are permissible. It is denied that the Impugned EC has been issued without any deliberation by the EAC.

107. With reference to paragraph 98 – 99 of the Appeal, the contents thereof are denied save and except those that are matters of record, and facts as admitted to above. In this regard, the submissions advanced in the Preliminary Submissions hereinabove are reiterated and are not reproduced for the sake of brevity It is denied that the conditions in the Impugned EC are a clear indication of the non-application of mind by the expert appraisal committee and Respondent No. 1. It is denied that the EAC has deliberated the proposal only on one occasion and the studies that have been undertaken after the public hearing and in pursuance of the ADS raised etc. have not been evaluated. It is denied that the Impugned

EC has been issued without consideration by the EAC after the response to the ADS.

108. With reference to paragraph 100 – 101 of the Appeal, the contents thereof are denied save and except those that are matters of record, and facts as admitted to above. In this regard, the submissions advanced in the Preliminary Submissions hereinabove are reiterated and are not reproduced for the sake of brevity. It is denied that the entire sequence of events indicates a complete non- application of mind by the EAC and Respondent No. 1. It is denied that the procedure prescribed for EIA reports under the EIA Manual issued by the Respondent No. 1 have not been followed and the serious concerns of health, impact on water bodies, the flooding in the region, the eco sensitive nature of the project site and surrounding areas and the health impact of the project have been completely ignored. It is denied that the entire process suffers from non-application of mind and the Impugned EC ought to be set aside.

109. With reference to paragraph 102 of the Appeal, it is denied that the balance of convenience is in favour of staying the Impugned EC. It is denied that no prejudice is caused to Respondent No. 2 if the Impugned EC is stayed pending judicial and merit review by this Hon'ble Tribunal.

110. With reference to ground *a*, it is vehemently denied that the Impugned EC is illegal or has been granted in complete violation of the EIA Notification.

111. With reference to ground *b*, it is denied that the Impugned EC has been issued without consideration of irreversible damage to the environment and the health of the people in the vicinity of the Plant.

112. With reference to ground *c*, it is vehemently denied that the Impugned clearance has been granted illegally by segmenting interconnected and interrelated projects. It is reiterated that the facts and circumstances of the present case do not fall within the scope of an interlinked project requiring a composite CRZ and EC clearance. The plant and the jetty are owned by distinct juristic entities, and the jetty is not exclusively linked to Respondent No. 2's expansion. The CRZ clearance procedure effectively followed the Clause 7(iv) route since the project was first recommended by MCZMA and eventually considered by Respondent No. 1. Full disclosure of the linkage between the facilities was made in the Common Application Form, EIA Report, and CRZ application. It is also reiterated that the relevant approvals and clearances have been granted in line with the EIA Notification, CRZ Notification, and the Office Memorandum dated December 24, 2010.

113. With reference to ground *d*, is denied the impugned clearance ought not to have been granted only under the EIA Notification. It is

submitted that the expansion project activities do not fall within the CRZ areas and for the Linear Facilities connected to the expansion project which do fall within CRZ areas, clearance has been obtained.

114. With reference to ground *e*, the contents thereof are denied in toto.

115. With reference to ground *f*, it is denied that the application submitted by Respondent No. 2 is rife with false information and ought to have been rejected. It is submitted that Respondent No. 2 has made appropriate disclosures wherever necessary and has acted with utmost transparency throughout the process of appraisal.

116. With reference to ground *g* to *n*, the contents thereof insofar as they are inconsistent with what is stated herein are denied.

117. With reference to grounds *o* and *p*, it is denied that the public hearing was vitiated. It is reiterated that the EIA Notification prescribes no minimum duration for a public hearing; the scheduling of the hearings was within the domain of MPCB and not Respondent No.2; and the EAC deliberated upon and found satisfactory the revised action plan submitted to address issues raised during the public hearing.

118. With reference to ground *q*, the same is denied in toto.

119. With reference to ground *r*, the contents thereof are denied. It is denied that the siting of the project was itself illegal. It is submitted that the plant and machinery for the proposed expansion are outside the CRZ as confirmed by the CZMP, and MCZMA's letter dated January 01, 2025. The EIA Manual on HTL distances is non-mandatory and inapplicable to an existing, pre-EIA-Manual facility being expanded.

120. With reference to grounds *s* to *y*, the contents thereof are denied in toto inasmuch as they pertain to allegations against Respondent No. 2.

121. With reference to ground *z*, it is denied that Respondent No. 1 has issued the impugned clearance in a mechanical fashion without taking note of violations of Respondent No. 2 including the absence of green belt and failure to achieve ZLD.

122. With reference to ground *aa*, it is denied that the impugned clearance has been issued without consideration of impact on affected communities and on the air quality. It is submitted that the EAC imposed specific conditions regarding project-specific AAQ plans and epidemiological/health monitoring studies, demonstrating that these aspects were actively considered and addressed.

123. With reference to ground *bb*, the same is denied in toto.

SUMMARY

124. In view of the above, it is reiterated that the captioned Appeal does not meet the threshold for judicial review of an EC, i.e., a "*total absence of mind*" on the part of the EAC, as laid down by the Hon'ble Supreme Court in ***Rajeev Suri*** (*supra*) and consequently, is liable to be dismissed. Hence, to summarise, it is submitted that:

A. The situs of the Plant which has existed since 1994 cannot be challenged based on the non-binding guidelines in the EIA Manual:

i. Para 4.2.4 of the EIA Manual/ Guidelines, that the Appellant seeks to rely on relates to process of 'Screening', which only applies to Category B projects as per Cl. 7(i) of the EIA notification, and para 4.2 of the said EIA Manual. The project in question, being a Category A project, is not covered by it.

ii. Even otherwise, the plain language of the EIA Manual/ Guidelines shows that it is not mandatory, and is expressly recommendatory. For instance, para 4.2.4 employs the words "*Areas **preferably** be avoided*" …. "Coastal Areas: "***Preferably** ½ Km away from high tide line (HTL)*", while also recording the fact that "*in some situations adhering to these guidelines is **difficult and unwarranted***".

iii. Above all, the plant has been operating at the present site since 1994, and has been expanded from time to time. Thus, the situs of the Plant, having been sanctioned by the regulatory authorities on multiple occasions, cannot now be challenged.

iv. Moreover, the requirement of a distance of 500 metres from the HTL prescribed under the EIA Manual/ Guidelines comes from a similar buffer prescribed in the CRZ Notification, 2019, with respect to a "sea front". However, with respect to a creek, the CRZ is restricted to a distance of 50 meters or the width of the creek (as per the notified CZMP), whichever is lesser. The plant in question is situated more than 50 meters away from the banks of Amba River and other tidally influenced water bodies as per the CZMP, which has been confirmed by the MCZMA in its letter dated January 1, 2025. Consequently, the Plant cannot be held liable for not adhering to the non-binding guidelines, when the CRZ Notification itself contemplates a lesser threshold. In other words, if the distance prescribed in the CRZ regulations does not affect the situs of the Plant, the EIA manual, which is expressly a non-binding document, cannot regulate the same.

B. The OM dated 24.12.2010 (dealing with the consideration of inter-linked projects) is inapplicable to the present project:

i. The Appellant's reliance on the OM is misconceived inasmuch as the Plant and the jetty are owned and operated by separate juristic entities.

ii. Further, the OM governs the consideration of "*integrated and inter-linked projects*", and would not include the jetty, which is not dependant on the functioning of the steel plant.

iii. Furthermore, the jetty is not exclusively used for the steel plant, but is also open for use by third-parties in the vicinity.

iv. In any case, the object behind the OM is in no manner defeated, by expressly describing the existence of the jetty in both the Common

Application Form as well as the EIA Report. Thus, any suggestion of non-consideration of the jetty in terms of the OM is a mere hyper technicality. Also, the CRZ application for the jetty expressly mentions that the expansion of the jetty is necessitated by the expansion of the Plant, and the CRZ clearance is granted only after considering the cumulative impact.

C. **The Respondent No. 2 was not required to make a composite application in terms of Cl. 7(iv) of the CRZ Notification, 2019, and the project has in any case undergone a cumulative impact assessment**:

i. A project requires a composite EC and CRZ application, only if it qualifies as a whole under both the EIA and the CRZ Notifications. The purpose is to ensure that, a project requiring both, does not operationalise without seeking one of the two, and both are eventually considered by the MoEF&CC.

ii. However, in the instant case, the necessity of a composite application does not arise because the Plant does not require a CRZ clearance but requires an EC, and the ancillary activities (such as the water-pipelines, bridges, cross-country conveyors etc.) require a CRZ clearance but do not require an EC. Moreover, the MCZMA, by a letter dated January 1, 2025, had confirmed that the proposed plant is outside the CRZ; and this aspect was already raised by the EAC and was resolved after considering the ADS Reply dated December 12, 2025, which records that CRZ clearance is not required for the entire project, and CRZ clearance dated November 19, 2025 has been granted for the ancillary activities.

iii. Importantly, even though separate applications were made and permissions were obtained, i.e., application for an EC for the steel plant, and a CRZ clearance for the ancillary activities, the Respondent No. 2 has ensured that the MoEF&CC/ the EAC is cognisant of both the projects. To this effect, the Respondent No. 2 has made full disclosure of the application for CRZ clearance for the ancillary activities in the EIA Report.

Moreover, the fact that the consideration of the EC has not ignored the necessity of a CRZ clearance is also evident from the ToR issued, which expressly mentions the necessity of a CRZ clearance. Also, the EAC which considered the grant of the CRZ clearance (for the ancillary activities) expressly took note of the expansion of the Plant.

iv. Significantly, even the course contemplated in Cl. 7(iv) of the CRZ Notification, 2019 has effectively been followed inasmuch as the CRZ clearance, was first recommended by the MCZMA and eventually, by the MoEF&CC.

D. The public hearing was conducted in full compliance with the EIA Notification, 2006:

i. The Appellants claim that the public hearing carried out by the Respondent No. 2 was inadequate, is misplaced, inasmuch as, the public hearing is conducted by the MPCB, and not by the project proponent, which is evident from a plain reading of Cl. 1 of Appendix IV to the EIA Notification. Curiously, the MPCB has not even been made a party by the Appellants.

ii. The EIA Notification contains no minimum duration threshold for conducting a public hearing. In any event, organising the scheduling, timing, and choice of venue falls entirely within the jurisdiction of the State Pollution Control Board, not the project proponent.

iii. Further, the draft EIA report was made available to the public in advance. The minutes of the public hearing indicate that participants cited and referenced the text of the draft EIA during the hearing. Thus, the public had sufficient opportunity to know the impact of the project. It is submitted that the consultation secured wide participation, drawing 1,142 physical attendees, and a total of 394 written objections were filed.

iv. Moreover, the public hearing for both the projects, i.e., for the steel plant and the jetty were held in quick succession, with due notice, which implies that the public had sufficient opportunity to know about the impact of both the projects. This further belies any allegation regarding the absence of a cumulative impact assessment not having been undertaken.

E. **The EIA Report has been validly prepared**: The EIA Report was compiled by an accredited consultant, verified against the finalised ToR. The said report was thereafter scrutinised by the EAC, and additional information, in the form of EDS queries, was sought and provided by the Respondent No. 2. It was only after examining the said report and the responses by the Respondent No. 2 that the EAC formally recommended the grant of an EC in October 2025.

F. Baseline data has been collected in terms of the 2022 OM and hence, is valid:

i. The 2022 OM explicitly allows baseline records to be gathered at any stage including prior to the formal issuance of a ToR provided the data is under 3 years when evaluating the environmental clearance. The primary field metrics captured between October and December 2022 were accepted without objection by both the EAC and the primary regulator.

ii. Any elevation in PM values near local villages is attributable to the proximity to the highways (NH-66 and SH-88), rather than internal operations. Emissions are restricted to below 30 mg/NM^3 by way of specialized Electrostatic Precipitators, and the EAC has mandated a project-specific Ambient Air Quality Management Plan.

iii. The issue regarding public health tracking has been incorporated within the framework of the EIA Report. The EC requires a periodic study by an independent public health institution alongside a permanent local medical surveillance system.

iv. Perusal of the EIA Report clarifies that with the control and mitigation measures, no adverse impact on the terrestrial and aquatic habitat is anticipated. Additionally, the freshwater requirement for the expanded capacity is fully accommodated within the existing sanctioned allocation and no water from the Amba River is necessitated. Additionally, the EAC has mandated a time-bound condition for expanding the internal greenbelt density layout, which is to be completed by the 2026 monsoon season.

G. The increased generation of slag and its disposal is expressly contemplated in the EIA Report as well as the EC:

i. The EC explicitly accounts for the expanded operational footprint by mandating in Condition No. 1.24 that the Respondent No. 2 must adopt circular resource management frameworks and ensure that the reuse of slag is in strict compliance with CPCB guidelines. Additionally, to eliminate contamination risks near storage yards, the EC conditions mandate installation of an independent monitoring piezometer downstream of the slag processing block for quarterly groundwater checks. Further, Chapter 4, Section 4.4.8 of the EIA Report, provides for a plan for utilisation of the generated slag.

ii. Significantly, Hon'ble Supreme Court by an order dated January 29, 2026, in Civil Appeal No. 13883 of 2025, has confirmed that the slag generated is non-hazardous.

125. In these circumstances, it is submitted that the present Appeal is devoid of any merit and ought to be dismissed by the Hon'ble Tribunal.

DEPONENT

Solemnly affirmed at Mumbai
This 13th day of June 2026.

JSW STEEL LIMITED

Before me,

Cyril Amarchand Mangaldas
Advocates for Respondent No. 2

NOTARY
Adv.
GOVT OF INDIA

VERIFICATION

I, Umang Jaju, Deputy General Manager - Legal at JSW Steel Ltd., Respondent No. 2 herein, state on solemn affirmation that the contents of the above paragraphs and submissions are true and correct to the best of my knowledge, belief, and record available with me.

Verified at Mumbai on this 13th day of June, 2026.

Umang Jaju

DEPONENT

JSW STEEL LIMITED

NOTARY GOVT. OF INDIA Adv. S. N. Dharage Mumbai Maharashtra Reg. No. 15376 Expiry Dt. 14/11/2029

BEFORE ME

Dharage

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NOTED & REGISTERED
Page No. 98 Sr. No. 975
Date 13 JUN 2026

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NOTARY GOVT. OF INDIA


LIMITED
MSL STEELS

Public Hearing Details as on 28/07/2025

Sr. No.	Name of Industry & Address	Executive Summary/CRZ Draft Notification	Date & Time	Environmental Public Hearing Order	Remarks/Advertisement
1	M/s. JSW Dharamtar Port Pvt. Ltd., Dolvi, Tal. Pen, Dist. Raigad for conducting Environmental Public Hearing in respect of proposed Expansion of Dharamtar Jetty facility (Phase-III)	Click Here	22 Aug 2025		Click Here
2	Public hearing proposal submitted by M/s. JSW Steel Ltd., Dolvi, Tal. Pen, Dist. Raigad for conducting Environmental Public Hearing in respect of proposed Expansion of integrated Steel Plant Capacity from 10 MTPA to 15 MTPA.	Click Here	22 Aug 2025		Click Here

ANNEXURE - R1

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भारतीय गैर न्यायिक

भारत INDIA

रु. 500 FIVE HUNDRED RUPEES

पाँच सौ रुपये Rs. 500

सत्यमेव जयते

INDIA NON JUDICIAL

महाराष्ट्र MAHARASHTRA ◑ 2025 ◑ EC 771594

NOTARY S. P. DUBEY Bandra Gr. Mumbai Maharashtra Reg. No. 11164 GOVT. OF INDIA

NOTARY S. P. DUBEY Bandra Gr. Mumbai Maharashtra Regd. No. 11164 Exp. Dt. 7/4/2030 GOVT. OF INDIA

मुद्रांक शुल्क मुद्रांक कार्यालय, मुंबई
मु.शु.वि.क्र. ८०००९९
12 AUG 2025
सक्षम अधिकारी

POWER OF ATTORNEY श्री. विनायक जाधव

14 SEP 2025

DATED THIS ____ DAY OF _____ 2025

FROM

SHRI JAYANT ACHARYA
(JOINT MANAGING DIRECTOR & CEO OF JSW STEEL LIMITED)

IN FAVOUR OF

SHRI. UMANG JAJU
DEPUTY GENERAL MANAGER – LEGAL,
JSW STEEL LIMITED, DOLVI, SALAV & ANJAR WORKS

NOTARY GOVT OF INDIA

PoA/238/2025

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जोडपत्र- २ / **Annexure - II**

POWER OF ATTORNEY

25 AUG 2025

JSW STEEL LIMITED
JSW Centre,
Bandra–Kurla Complex,
Bandra (East), Mumbai-400 051.
Tel.: 4286 1000

१. मुद्रांक विक्री नोंदणी वर क्रमांक / दिनांक
२. दस्ताचा प्रकार
३. दस्त नोंदणी करणार आहेत का ?
४. मिळकतीचे थोडक्यात वर्णन
५. मुद्रांक विकत घेणाऱ्याचे नाव व सही.
६. हस्ते असल्यास त्यांचे नाव, पत्ता व सही R.Anna. Umang Jagu
७. दुसऱ्या पक्षकाराचे नाव
८. परवानाधारक मुद्रांक विक्रेत्याची सही व परवाना क्रम

परवाना क्रमांक
मुद्रांक विक्रीचे ठिकाण/पत्ता : सौ. कांचन हर्षद बोंगाळे
शॉप नं. २, बिल्डींग नं ४, कोलगेट मैदानसमोर,
साईबाबा मंदिरजवळ, खेरनगर, बांद्रा (पूर्व), मुबई – ४
ज्या कारणासाठी ज्यांनी मुद्रांक शुल्क खरेदी केली त्यांनी
१८. केल्यापासून ६ महिन्यात वापरणे बंधकारक आहे

NOTARY
S. P. DUBE
Bandra Gr. My
Maharash
Regd. No.
Exp. Dt. 7/
GOVT.

NOTARY
GOVT OF INDIA

TO ALL WHOM THESE PRESENTS SHALL COME I, Jayant Acharya, Joint Managing Director & CEO of JSW Steel Limited, Indian inhabitant, resident of Mumbai, having my office at JSW Centre, Bandra Kurla Complex, Bandra (East), Mumbai 400051, state as follows:

WHEREAS:

A. I am the Joint Managing Director & CEO of JSW Steel Limited, a company incorporated under the provisions of the Companies Act, 1956 (deemed to have been incorporated under Companies Act, 2013), and having its registered office at JSW Centre, Bandra Kurla Complex, Bandra (East), Mumbai 400051 (hereinafter referred to as the "**Company**");

B. That vide a board resolution dated 25th Jan 2024, the Company has re-appointed me as the Joint Managing Director & CEO of JSW Steel Limited and has also resolved to enter into an agreement detailing my powers and functions.

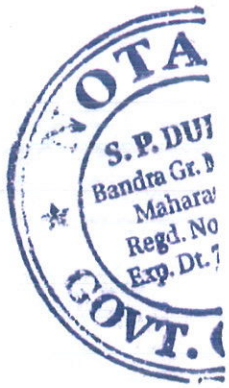
C. That pursuant thereto, the Company, by Agreement dated 14th Aug 2024 (the "**Agreement**") has given and conferred on me certain powers/authorities to be discharged for and behalf of the Company and to have and execute, all and singular, the same and which Agreements are subsisting and not rescinded and in full force and effect; and

D. Under the said Agreement, the Company has also vested me with authority to further delegate the powers/authorities and for this purpose to execute where necessary a Power of Attorney in the manner more particularly therein.

NOW THESE PRESENTS WITNESS that I, Jayant Acharya, Deputy Managing Director & CEO of the Company, having its registered office at JSW Centre, Bandra Kurla Complex, Bandra (East), Mumbai 400051, do hereby nominate, constitute and appoint **Shri Umang Jaju, Deputy General Manager – Legal, JSW Steel Limited, Dolvi, Salav & Anjar Works,** having employee code 1018555(hereinafter referred to as the "**Attorney**") and whose specimen signature appears at the end of this document, to be the true and lawful attorney in fact and at law, to act on behalf and to do all such acts, deeds and things hereinafter mentioned in the name of and on behalf of the Company, subject to the restriction and limitation as mentioned herein below:-

1. To institute, prosecute, oppose, withdraw, appear, appeal and defend legal proceedings before all courts, judicial/quasi-judicial forums, or any other appropriate forum/authority including but not limited to arbitral tribunals, statutory or departmental authorities etc. (hereinafter referred as "**Court**"), whether criminal, civil or other proceedings including but not limited to arbitration, mediation, conciliation proceedings etc. (hereinafter referred as "**Legal Proceedings**");

2. To sign, verify, certify, file, deposit, withdraw, receive, declare, swear and affirm all documents pertaining to Legal Proceedings including but not limited to plaints, suits, petitions, complaints, pleadings, appeals, applications, petitions, minutes, chamber, summons, written statements, rejoinders, vakalatnamas, pursis, affidavits, counter affidavit, caveats, review or revision application/petition, memorandum of appeals, cross objections and any other document by whatever name so called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before all or any Court or offices in India, by and against the Company, in all or any cases, whether original or appellate or in execution of the decree or otherwise;

3. To institute or defend criminal actions including lodging of complaint before the appropriate police or other investigative agencies and do all incidental and necessary actions for pursuing or defending such complaints;

4. To depose, appear, represent, make statement on oath or otherwise and attend the Legal Proceedings for and on behalf of the Company before any Court or other officer or authority empowered by law;

5. To engage, appoint or take no-objection certificates from pleaders, solicitors, advocates, attorneys, counsels, as the case may be.

IN GENERAL, do all such necessary acts and things incidental thereto for and on behalf of the Company and to represent the Company in/ before all Courts.

AND I agree to confirm and ratify all and whatsoever the Attorney shall lawfully do or cause to be done in pursuance of these presents.

This Power of Attorney shall become inoperative (a) as soon as the Attorney ceases to be an employee of the Company; or (b) on the expiry of two (2) years from the date of issuance of this Power of Attorney; or (c) the Power of Attorney being revoked by the Company in writing, whichever occurs earlier.

IN WITNESS WHEREOF, the principal has executed this Power of Attorney on this 4 day of SEP 2025 2025.

J. Acharya

SIGNED AND DELIVERED BY
the within named Shri Jayant Acharya,
Joint Managing Director & CEO of JSW Steel Limited.
In the presence of

NOTARY S. P. DUBEY Bandra Gr. Mumbai Maharashtra Regd. No. 11164 Exp. Dt. 7/4/2030 GOVT. OF INDIA

BEFORE ME
S. P DUBEY
B.A.,LL.B.
NOTARY GR MUMBAI
MAHARASHTRA
GOVT OF INDIA
4 SEP 2025

ACCEPTED BY

Umang Jaju

UMANG JAJU
Deputy General Manager – Legal
JSW Steel Limited
Dolvi, Salav & Anjar Works

Notarial Register No. OF
S. P. DUBEY
Sr. No. 5171 .2025

4 SEP 2025

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