

BEFORE THE NATIONAL GREEN TRIBUNAL KOLKATA

OA ~~Appeal~~ No. 38 of 2020 (EZ)

Sanjay Chauhan

Applicant

Vs.

Central Coalfields Ltd. & Ors.

Respondents

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BEFORE THE NATIONAL GREEN TRIBUNAL KOLKATA

O.A. No: 38 of 2020 (EZ)

Sanjay Chauhan

Applicant

Vs.

Central Coalfields Ltd. & Ors.
Respondents

Supplementary Counter Affidavit on behalf of
Respondent No. 4 Jharkhand State Pollution
Control Board in compliance of order dated
08.12.2021.

I Yatindra Kumar Das, son of Late K.K.Das
presently posted as the Member Secretary,
Jharkhand State Pollution Control Board, H.E.C,



Notarized Under Notaries Act-1956
& Notaries Rules 1956 by Govt. of
Jharkhand, Ranchi (India)

27 JAN 2022

Dhurwa, Ranchi, and am duly authorized and here by solemnly state and affirm as follows :-

1. That at present, I am working and posted as the Member Secretary, Jharkhand State Pollution Control Board, H.E.C, Dhurwa, Ranchi and as such, I am well acquainted with all the facts and circumstances of this case.
2. That I have gone through the order dated 08.12.2021 passed by Hon'ble NGT, Eastern Zone Bench, Kolkata and has understood the contents therein.
3. That, I have been authorized to swear this affidavit on behalf of the Respondent No-4. Jharkhand State Pollution Control Board (JPSCB) by the competent authority. Further it is stated that I have gone through the relevant files and records.
4. That, it is humbly stated and submitted that based on the inspection report submitted by the Regional Officer, JPSCB Regional Office Ranchi, the Board has issued directions to M/s Dakara Opencast Coal Mines of M/s Central

27 JAN 2022



Coalfields Ltd. under Section 5 of Environment (Protection) Act, 1986 and under Section 33(A) of Water (Prevention & Control of Pollution) Act 1974 & Section 31 (a) of Air (Prevention & Control of Pollution) Act 1981 to deposit the Environment Compensation of INR. 9,92,81,250/- (Rupees Nine Crore Ninety Two Lakhs Eighty One Thousand Two Hundred Fifty only) within 30 days of the issuance of the letter with a condition that in case of failure to do so an interest of 12% per annum will be charged and legal action may be initiated.

27 JAN 2022

Photocopy of the direction issued to M/s Dakara OCP, CCL vide Boards' letter no. B-210, Ranchi dated 25.01.2022 is enclosed herewith as **Annexure- I.**



5. That the statement made in forgoing paragraphs are true to my knowledge in annexure are true copy of its original.

[Handwritten Signature]
DEPONENT

VERIFICATION:

Verified at Ranchi on this the day ofJanuary, 2022 that the averments & facts stated herein above are true and correct to my knowledge and belief and nothing material has been concealed therefrom.

[Handwritten Signature]
DEPONENT

27 JAN 2022



[Handwritten Signature]
Vikash Kumar Sinha
NOTARY PUBLIC RANCHI

[Handwritten Signature]
EX-57114
27/01/22
Signature Attested on
Identification of Lawyer



JHARKHAND STATE POLLUTION CONTROL BOARD

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

Ref. No:- B-210

Ranchi, Dated:- 25/11/2022

From,

Yatindra Kumar Das,
Member Secretary.

To,

The Project Officer,
M/s Dakra OCP (Including Dakra Siding)
At: - N.K. Area, Dakra, Ranchi.

ORDER

Sub: - Direction under section 33 (A) of the Water (Prevention and Control of Pollution) Act, 1974 and 31 (A) of the Air (Prevention and Control of Pollution) Act, 1981 – Regarding.

Whereas, Environmental Clearance was granted for “Dakra OCP (0.55 MTPA Normative and 0.63 MTPA Peak in an ML area of 249.72 Ha.) of M/s. Central Coalfields Ltd. located in North Karanpura Coalfields, Village Bukbuka, Block Burmo, district Ranchi, Jharkhand” by MoEF&CC vide No. J-11015/49/2009-IA.II(M) dated 03.05.2012.

Whereas, you were granted Consent to Establish (CTE) granted vide Board's Ref. No. G-4332 dated 13.11.2013. The relevant part of which is as follows:-

PROJECT	SITE AREA		Investment (Rs)	Product & Capacity	Period of CTE
	Plot Nos.	Area			
Before Expansion	As per EC	249.72 Ha.	4500 Lac	Coal-0.55 million TPA (normative) and 0.63 million TPA (peak)	Six month from date of issue

Whereas, the last CTO was granted to your unit vide Board's Ref No. JSPCB/HO/RNC/CTO-11008208/2021/1686 dated 31.12.2021. The relative part of which is as follows:-

PROJECT	SITE AREA		Investment (Rs)	Product & Capacity	Period of CTO
	Plot Nos.	Area			
Before Expansion	As per EC	249.72Ha	4500.0 Lac	Coal - 0.55 MTPA (Normative) and 0.63 MTPA (Peak), Dakra Railway Siding	Date of issue to 31.12.2022

Whereas, an Original Application No. 27/2020/EZ Sanjay Chauhan versus Central Coalfields Ltd. &Ors. (Rohini Opencast Coal Mining Case) has been filed by the applicant before the Hon'ble NGT, Eastern Zone Bench, Kolkata pointing out non-compliance of the conditions of the environment clearance dated 05.10.2009 and 21.02.2017 granted by the MoEF& CC in favour of the Central Coalfields Ltd. for the Rohini Opencast Coal Mine situated in Karanpura region of Jharkhand State. The first hearing of which was held on 11.05.2020. In which the Hon'ble Tribunal constituted a Committee comprising of the following: -

- Regional office, MoEF& CC, Ranchi
- Regional office, CPCB, Regional office, Kolkata
- The Jharkhand State Pollution Control Board
- Dr. Sharad Lele, Member of the Expert Appraisal Committee, MoEF& CC.

The committee was directed to visit the project in question, verify on the factual aspects and submit a report.

Whereas, the committee has visited the site (Rohini Open Cast Project) on 02/09/2020 and submitted its report (Copy of Committee's Report already shared).

Whereas, in light of the committee's report a show cause notice was issued to your Unit vide Board's Ref. No. B-1047 dated 21/10/2020 for the non-compliance observed during the site inspection which is as follows: -



- (i). "The approach road to the railway siding was in bad condition, creating the likelihood of coal spillage from the dumpers. Road near the railway siding had few pot holes and it was broken at places and it should be repaired urgently.
- (ii). The railway siding itself was in only partial compliance with the CPCB guideline of 2015 and with the Specific Condition (x) in the EC. In particular, first, the wind screens are temporary and collapsing.
- (iii). No permanent retaining wall as required by the EC has been constructed.
- (iv). A thick layer of coal is piled up on the platform.
- (v). the surface runoff from the siding is poorly handled.
- (vi). The constructed drain is incomplete and the polluted runoff is spreading in low not reaching the settling tank constructed recently.
- (vii). Project proponent has not developed either thick 3-tiered plantation of adequate wind barrier to control the fugitive dust from the railway siding in the direction of the residential area.
- (viii). Fixed water sprinklers should also be provided along the haul road from Mohan Nagar Chowk to Dakra Railway siding because there would be lot of coal dust on the roads in that area.
- (ix). There is no 3-tier green belt on both sides of the approach road, nor is there a dense 3-tier green belt around the mine lease boundary, and there is inadequate green belt development at Dakra railway siding, although a major road/highway passes adjacent to the siding.
- (x). Some catch drains were provided on one side of the Dakra railway siding but there were no siltation ponds. As a result water carrying coal dust spread in the nearby area.
- (xi). Retaining wall was observed around the old O/B dumps of Dakra OCP. But at a few places, the wall was broken and it should be repaired urgently.

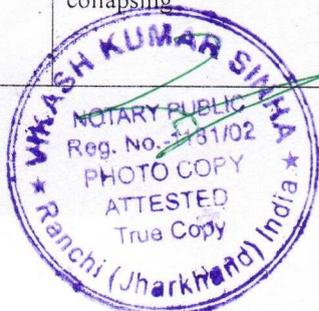
Whereas, in response to the show cause notice you had submitted your compliance report vide your Ref. No. PO/Dakra/Envvt/20-21/1177 dated 02.11.2020.

Whereas, the Board has directed the Regional Officer, JSPCB Regional Office, Ranchi to carry out an inspection for verification of the compliances submitted by you vide Ref. No. - B - 1809 dated 10.11.2020.

Whereas, the Board has again directed the Regional Officer, JSPCB Regional Office, Ranchi to carry out an inspection for verification of the compliances submitted by you vide Ref. No. - B - 1124 dated 13.08.2021.

Whereas, the Regional Officer, JSPCB Regional Office, Ranchi has submitted the current Compliance Status Report vide his letter No. 540, Ranchi, dated 18.08.2021. The observations of which is as follows: -

Sl.	Observation	Compliance
i	The approach road to the railway siding was in bad condition, creating the likelihood of coal spillage from the dumpers. Road near the railway siding had few pot holes and it was broken at places and it should be repaired urgently.	The approach road to the railway siding has not been repaired. The pot holes near railway siding have been partially repaired.
ii	The railway siding itself was in only partial compliance with the CPCB guideline of 2015 and with the Specific Condition (x) in the EC. In particular, first, the wind screens are temporary and collapsing	Partially complied. 1. Permanent wind breaking wall has not been constructed. 2. 40nos. Fixed water sprinklers have been installed. 3. Plant density should be increased.



- (i). "The approach road to the railway siding was in bad condition, creating the likelihood of coal spillage from the dumpers. Road near the railway siding had few pot holes and it was broken at places and it should be repaired urgently.
- (ii). The railway siding itself was in only partial compliance with the CPCB guideline of 2015 and with the Specific Condition (x) in the EC. In particular, first, the wind screens are temporary and collapsing.
- (iii). No permanent retaining wall as required by the EC has been constructed.
- (iv). A thick layer of coal is piled up on the platform.
- (v). the surface runoff from the siding is poorly handled.
- (vi). The constructed drain is incomplete and the polluted runoff is spreading in low not reaching the settling tank constructed recently.
- (vii). Project proponent has not developed either thick 3-tiered plantation of adequate wind barrier to control the fugitive dust from the railway siding in the direction of the residential area.
- (viii). Fixed water sprinklers should also be provided along the haul road from Mohan Nagar Chowk to Dakra Railway siding because there would be lot of coal dust on the roads in that area.
- (ix). There is no 3-tier green belt on both sides of the approach road, nor is there a dense 3-tier green belt around the mine lease boundary, and there is inadequate green belt development at Dakra railway siding, although a major road/highway passes adjacent to the siding.
- (x). Some catch drains were provided on one side of the Dakra railway siding but there were no siltation ponds. As a result water carrying coal dust spread in the nearby area.
- (xi). Retaining wall was observed around the old O/B dumps of Dakra OCP. But at a few places, the wall was broken and it should be repaired urgently.

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ii	The railway siding itself was in only partial compliance with the CPCB guideline of 2015 and with the Specific Condition (x) in the EC. In particular, first, the wind screens are temporary and collapsing	Partially complied. 1. Permanent wind breaking wall has not been constructed. 2. 40nos. Fixed water sprinklers have been installed. 3. Plant density should be increased.



		<p>holes and it was broken at places and it should repaired urgently.</p> <p>ii) The Dakra Railway Siding itself was in only partial compliance with CPCB guidelines of 2015 and the specific conditions (X) in the EC. In particular, first, the windscreens are temporary and collapsing (as also acknowledged by the Project Proponent in their written submission)</p> <p>Second, no permanent retaining wall as required by the EC has been constructed.</p> <p>Third, a thick layer of coal is piled up on the platform</p> <p>Fourth, the surface runoff from the siding is poorly handled: the constructed drain is incomplete and the polluted runoff is spreading in low not reaching the settling tank constructed recently</p> <p>Project proponent has not developed either thick 3-tiered plantation or adequate wind barrier to control the fugitive dust from the railway siding in the direction of the residential area. Water spraying system was provided area feeder breaker/crusher at Dakra Railway siding but then also some coal dust emission occurred.</p>	<p>repaired.</p> <p>First, The wind screen is still in the same condition and during inspection the temporary cloths used for wind screen were found in torn condition.</p> <p>Second, No permanent retaining wall has been constructed.</p> <p>Third, Thick layer of coal was found piled up on the platform of Siding.</p> <p>Fourth, Constructed Garland drain is still incomplete and polluted runoff found spread in low lying area, and part of runoff was going into the settling tank.</p> <p>No thick 3- tiered plantation and adequate wind barrier have been provided by the unit to control the fugitive dust from the Railway Siding. During inspection both feeder breaker at the siding were found non-operational.</p>
		<p>iii. Fixed water sprinklers should also be provided along the haul road from Mohan Nagar Chowk to Dakra Railway siding because there would be lot of coal dust on the roads in that area.</p>	<p>No fixed water sprinklers have been installed between the Mohan Nagar Chowk to Dakra Railway siding by the unit.</p>
2	<p>Petitioner's Complaint Development of Green Belt is not in compliance with EC conditions.</p>	<p>a)The development of plantations on OB dump, backfilled area, etc. is reasonably satisfactory</p>	<p>The unit has done plantation in OB dump backfilled area is reasonably satisfactory.</p>
		<p>b) However, there is no 3-tier green belt on both sides of the approach road, nor is there a dense 3-tier green belt around the mine lease</p>	<p>No 3- Tier plantations have been done around mine lease boundary and Dakra railway siding.</p>



		4. Settling pond has been constructed to store surface runoff. 5. PM10 Analyser has not been installed.
iii	No permanent retaining wall as required by the EC has been constructed	Toe wall of approx 135mtrs. length has been constructed.
iv	A thick layer of coal is piled up on the platform.	Coal was found piled up on the platform for loading.
v	The surface runoff from the siding is poorly handled.	Settling pond has been constructed to store surface runoff but proper drainage system has not been completed.
vi	The constructed drain is incomplete and the polluted runoff is spreading in low not reaching the settling tank constructed recently.	Partially Complied. Proper drain has not been completed
vii	Project proponent has not developed either thick 3-tiered plantation of adequate wind barrier to control the fugitive dust from the railway siding in the direction of the residential area.	Green belt development has been done between Railway siding, road and residential area.
viii	Fixed water sprinklers should also be provided along the haul road from Mohan Nagar Chowk to Dakra Railway siding because there would be lot of coal dust on the roads in that area.	Fixed water sprinklers have not been provided along the haul road from Mohan Nagar Chowk to Dakra Railway siding.
ix	There is no 3-tier green belt on both sides of the approach road, nor is there a dense 3-tier green belt around the mine lease boundary, and there is inadequate green belt development at Dakra railway siding, although a major road/highway passes adjacent to the siding	3-tier green belt development have not been done along the approach road, mine lease boundary and in Railway siding.
x	Some catch drains were provided on one side of the Dakra railway siding but there were no siltation ponds. As a result water carrying coal dust spread in the nearby area.	Siltation ponds has not been constructed
xi	Retaining wall was observed around the old O/B dumps of Dakra OCP. But at a few places, the wall was broken and it should be repaired urgently.	Broken retaining wall around the old OB dumps has been repaired.

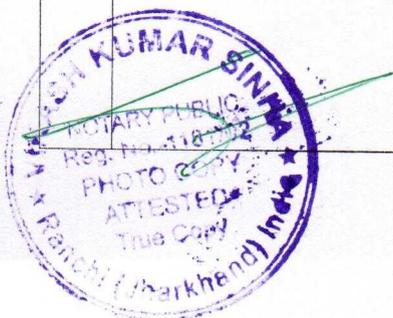
Whereas, the Regional Officer, JSPCB Regional Office, Ranchi was directed to submit the current Inspection Report, in light of the each and every observation made by the committee Vide Board's Ref. No. B - 2273, Ranchi, dated 27.12.2021.

Whereas, the Regional Officer, JSPCB Regional Office, Ranchi has submitted the Inspection Report vide his Ref. No. 08 dated 03/01/2022. The observations of which is as follows: -

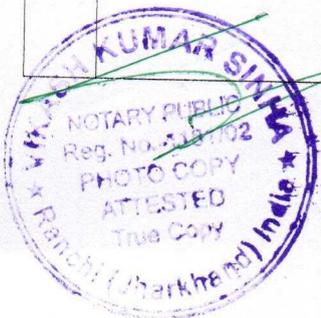
1	Petitioner's Complaint	Observations of the Committee appointed by the Hon'ble National Green Tribunal in Sanjay Chauhan Vs. CCL & Ors. O.A 38/2020/EZ vide order dated-22.06.2020.	Current Status
	Non-construction of Coal Handling Plant (CHP) and consequent pollution (citing Specific Condition xi in the EC of 2012)	a) Clearly, The project did not envisage the construction of CHP , Nor it was required to do so under the EC conditions, and as such there is no-Non Compliance resulting in the absence of a CHP. b.)	The unit has not violated EC Conditions as per the Committee.
		i)The approach road of the siding was in bad condition, creating the likelihood (and Showing clear signs) of coal spillage from the dumpers. Road near the dakra railway siding had few pot	The approach road near Dakra Railway Siding was found in bad condition and pot holes have been partially



		<p>holes and it was broken at places and it should repaired urgently.</p> <p>ii) The Dakra Railway Siding itself was in only partial compliance with CPCB guidelines of 2015 and the specific conditions (X) in the EC. In particular, first, the windscreens are temporary and collapsing (as also acknowledged by the Project Proponent in their written submission)</p> <p>Second, no permanent retaining wall as required by the EC has been constructed.</p> <p>Third, a thick layer of coal is piled up on the platform</p> <p>Fourth, the surface runoff from the siding is poorly handled: the constructed drain is incomplete and the polluted runoff is spreading in low not reaching the settling tank constructed recently</p> <p>Project proponent has not developed either thick 3-tiered plantation or adequate wind barrier to control the fugitive dust from the railway siding in the direction of the residential area. Water spraying system was provided area feeder breaker/crusher at Dakra Railway siding but then also some coal dust emission occurred.</p>	<p>repaired.</p> <p>First, The wind screen is still in the same condition and during inspection the temporary cloths used for wind screen were found in torn condition.</p> <p>Second, No permanent retaining wall has been constructed.</p> <p>Third, Thick layer of coal was found piled up on the platform of Siding.</p> <p>Fourth, Constructed Garland drain is still incomplete and polluted runoff found spread in low lying area, and part of runoff was going into the settling tank.</p> <p>No thick 3- tiered plantation and adequate wind barrier have been provided by the unit to control the fugitive dust from the Railway Siding. During inspection both feeder breaker at the siding were found non-operational.</p>
		<p>iii. Fixed water sprinklers should also be provided along the haul road from Mohan Nagar Chowk to Dakra Railway siding because there would be lot of coal dust on the roads in that area.</p>	<p>No fixed water sprinklers have been installed between the Mohan Nagar Chowk to Dakra Railway siding by the unit.</p>
2	<p>Petitioner's Complaint Development of Green Belt is not in compliance with EC conditions.</p>	<p>a)The development of plantations on OB dump, backfilled area, etc. is reasonably satisfactory</p>	<p>The unit has done plantation in OB dump backfilled area is reasonably satisfactory.</p>
		<p>b) However, there is no 3-tier green belt on both sides of the approach road, nor is there a dense 3-tier green belt around the mine lease</p>	<p>No 3- Tier plantations have been done around mine lease boundary and Dakra railway siding.</p>



		<p>groundwater level monitoring using a network of open wells around the mine. The committee members visited one of the monitoring wells at Mohan Nagar colony and checked the monitoring logs. Furthermore the Project Proponent has submitted details of open well monitoring, which was done by CMPDI. Monitoring data from 2016 to 2020 are given below in Table 1.</p>	
4	<p><i>Other observations</i></p>	<p>There is an overall policy issue that needs to be highlighted. The focus of EC conditions is on various measures to be adopted towards pollution control (transport by rail, creation of green belts, use of sprinklers, creation of catch drains, etc.). But the only way to know whether these measures are having the desired outcomes is to carry out frequent and continuous monitoring of ambient environmental conditions at multiple locations most relevant to public health and ecosystem impacts. Currently, air and water quality, groundwater levels, are required to be monitored in just 4-5 locations. Several of these locations are within the mine lease area, where the pollution levels permitted are also higher. For instance, the standard for PM10 in ambient air inside the mine lease area is $300\mu\text{g}/\text{m}^3$ for Karanpura coal belt as per EPA Rules 1986, whereas the NAAQ standard for residential areas is $100\mu\text{g}/\text{m}^3$. Data submitted by the petitioner to this Committee, of 24-hour AAQ measurements done at 5 public locations in the Dakra area by a NABL-accredited lab, indicate very high levels of PM10</p>	<p>The unit has installed PM10 analyser but data is not being transmitted to JSPCB Server.</p> <p>The unit may be directed to install CAAQMS at four places at Dakra OCP and nearby area with connectivity to JSPCB Server.</p> <p>The data of water quality, groundwater levels monitoring may be uploaded on the site.</p> <p>The unit may be directed to conduct Environmental Quality Monitoring from NABL accredited third party Laboratory.</p> <p>Recent data of AAQ , Noise level and Surface water monitored by CMPDI (HQ), Ranchi are attached.</p>



		<p>holes and it was broken at places and it should repaired urgently.</p> <p>ii) The Dakra Railway Siding itself was in only partial compliance with CPCB guidelines of 2015 and the specific conditions (X) in the EC. In particular, first, the windscreens are temporary and collapsing (as also acknowledged by the Project Proponent in their written submission)</p> <p>Second, no permanent retaining wall as required by the EC has been constructed.</p> <p>Third, a thick layer of coal is piled up on the platform</p> <p>Fourth, the surface runoff from the siding is poorly handled: the constructed drain is incomplete and the polluted runoff is spreading in low not reaching the settling tank constructed recently</p> <p>Project proponent has not developed either thick 3-tiered plantation or adequate wind barrier to control the fugitive dust from the railway siding in the direction of the residential area. Water spraying system was provided area feeder breaker/crusher at Dakra Railway siding but then also some coal dust emission occurred.</p>	<p>repaired.</p> <p>First, The wind screen is still in the same condition and during inspection the temporary cloths used for wind screen were found in torn condition.</p> <p>Second, No permanent retaining wall has been constructed.</p> <p>Third, Thick layer of coal was found piled up on the platform of Siding.</p> <p>Fourth, Constructed Garland drain is still incomplete and polluted runoff found spread in low lying area, and part of runoff was going into the settling tank.</p> <p>No thick 3- tiered plantation and adequate wind barrier have been provided by the unit to control the fugitive dust from the Railway Siding.</p> <p>During inspection both feeder breaker at the siding were found non-operational.</p>
		<p>iii. Fixed water sprinklers should also be provided along the haul road from Mohan Nagar Chowk to Dakra Railway siding because there would be lot of coal dust on the roads in that area.</p>	<p>No fixed water sprinklers have been installed between the Mohan Nagar Chowk to Dakra Railway siding by the unit.</p>
2	<p>Petitioner's Complaint Development of Green Belt is not in compliance with EC conditions.</p>	<p>a)The development of plantations on OB dump, backfilled area, etc. is reasonably satisfactory</p>	<p>The unit has done plantation in OB dump backfilled area is reasonably satisfactory.</p>
		<p>b) However, there is no 3-tier green belt on both sides of the approach road, nor is there a dense 3-tier green belt around the mine lease</p>	<p>No 3- Tier plantations have been done around mine lease boundary and Dakra railway siding.</p>



01/06/2020 of Ministry of Micro, Small and Medium Enterprises (S could be 0.5 for micro or small, 1.0 for medium and 1.5 for large units as per CPCB Guidelines).

LF is to be taken as 1.00 as the total population of Burmo is less than one million as per Census Data 2011 (District Census Handbook, Ranchi).

Therefore,

$$\begin{aligned} \text{EC (Per day)} &= \text{PI} \times \text{R} \times \text{S} \times \text{LF} \\ &= 75 \times 250 \times 1.5 \times 1 \\ &= \text{INR } 28,125.00 \end{aligned}$$

Henceforth, the Environmental Compensation for one day comes out to be INR 28,125.00 So the total Environmental compensation for 3530 days comes out to be **INR 9,92,81,250/-** (i.e. **Rupees Nine Crores Ninety Two Lac Eighty One Thousand Two Hundred Fifty Only**).

Now, therefore, in view of the above and by exercising the powers conferred under section 33 (A) of the Water (Prevention and Control of Pollution) Act, 1974 and under section 31 (A) of the Air (Prevention and Control of Pollution) Act, 1981; it is hereby directed to deposit the Environmental Compensation of **INR 9,92,81,250/-** (i.e. **Rupees Nine Crore Ninety Two Lac Eighty One Thousand Two Hundred Fifty Only**) within 30 days of issuance of this letter, in case of failure to do so an interest of 12 % per annum will be charged and legal action may be initiated.

This issues with the approval of Competent Authority.

Sd/-
(Yatindra Kumar Das)
Member Secretary

Memo No... B-210

Ranchi, Dated... 25.11.2022

Copy to: The Regional Officer, JSPCB Regional Office, Ranchi for information and necessary action.

(Yatindra Kumar Das)
Member Secretary

