

**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA**
An Application U/s 14 and 15 read with sections 17 and 18(1) of the
National Green Tribunal Act, 2010
Original Application No. of 2024

Akash Kalo

.....Applicant

VERSUS

M/s. JSW Bhushan Power and
Steel Limited & ors.

....Respondent.

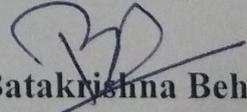
INDEX

Si. No.	Description of the Document	Pages
1	Synopsis	A
2	List of date	B
3	Original Application	1 - 9
4	Verification	10
5	Affidavit	11
6	Vakalatnama	12
7	Annexure A (colly) The recent photographs of the of the illegal stock yard cum iron pond	13 - 15
8	Annexure B The copy of the grievance petition dated 14/07/2023 and its translated form.	16 - 18
9	Annexure C The copy of the inspection report dated 18/08/2023	19 - 23

Sambalpur

By the applicant through

Date 15/01/2024


(Batakriшна Behera)
Advocate for Applicant
At/Po. Bandhabahal , Q.No. B/93
Dist.Jharsuguda-768211
Odisha

B

**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA**
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**M/s. JSW Bhushan Power and
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....Respondent.

List of Dates

Dates	Particular of events
On the month November, 2020	November, 2020 the constructing on the Raw Iron Pond-cum-Iron Stock Yard was started.
On the date 14/07/2023	the Applicant and the other villagers on the date filed a grievance before the Respondent No. 4.i.e District Magistrate cum Collector.
On the date 14/07/2023	the Applicant also made a complaint in written before the Respondent No. 3, through State pollution control board, Sambalpur



Akash Kalo

BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA

An Application U/s14 and 15 read with sections 17 and 18(1) of the
National Green Tribunal Act, 2010

Original Application No. of 2024

In the matter:-

Akash Kalo aged about 28 years
S/o. Manbodh Kalo
R/o. At- Vill. Bisadihi,
Po. Ghichamura
Ps. Thelkoili,
Dist. Sambalpur, Odisha- 768212
Mail Id. krishna.bata777@gmail.comApplicant

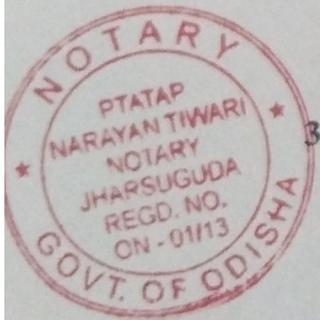
VERSUS

1. *Through the Project Director*
M/s. JSW Bhushan Power and Steel Limited.
Having its Project Office at
At. Vill. Thelkoloi,
Po. Lapanga, Dist. Sambalpur,
Odisha 768212
Mail Id- alokkumar.mishra@jsw.in

2. **Sajjan Jindal**
Chairman/ Managing Director
M/s. JSW Bhushan Power and Steel Limited.
At. Bandra Kurla Complex,
Bandra (East) Mumbai-400051,
Mail Id- sajjan.jindal@jsw.in

3. **Through the Chairman**
State Pollution Control Board
Paribesh Bhawan, A/118, Nilakantha Nagar,
Unit - VIII, Bhubaneswar - 751012, Odisha
Mail Id.- paribesh1@ospcboard.org

4. **Collector cum District Magistrate**
Sambalpur Collectrate
Sambalpur, Odisha.
Mail Id. dm-sambalpur@nic.in

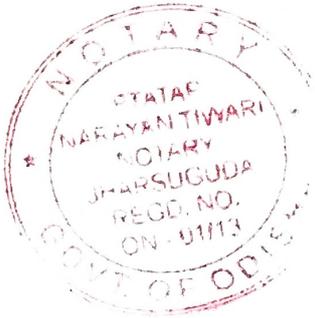


Akash Kalo

5. **Dy. Director Horticulture**
Horticulture Officer,
Farm Road, Modipada,
Dist. Sambalpur,
Odisha-768002,
Mail Id. ddhsambalpur.od@nic.in
6. **District Forest Officer**
Sambalpur,
Sambalpur Forest Division
Near Jail Chowk, Odisha-768001
Mail Id. dfo.sambalpur@odisha.gov.in
7. **Central Pollution Control Board**
Through its Chairman
Parivesh Bhawan,
East Arjun Nagar
New Delhi-110032
Email : ccb.cpcb@nic.in

.....Respondents

- A) The addresses of the applicant are given above for the service of notice of this application and that of their representative(s).
- B) The addresses of the Respondents are as given above for the service of notice of this application.
- C) The Applicant above-name beg to present this application before this Hon'ble Tribunal on the grounds set-out hereunder against the blatant illegality and violations of numerous environmental obligations by the Respondents and serious damages caused to the agricultural fields, underground water, open air, forest trees and forest land. Applicant wants to inform in respect to the illegal deposition of raw iron dust over the forest land by constructing a pond-cum- stock yard and operating the same in a highly risk level at near village Bisadihi, Dist. Sambalpur by the Respondent No. 1 and 2. The Applicant submits that the acts of the Respondents detailed hereinbelow are not only in contravention of numerous statutory environmental obligations by the Respondents, affecting the community at large but also the gravity of damages to the environment, forest, ground water and property is substantial. Further, the acts of the Respondents detailed hereinunder would result in extensive and irreparable damages caused to the forest land, agricultural land and public health, especially to that of the elderly, children, domestic farm animals and the damages also caused to the cultivation

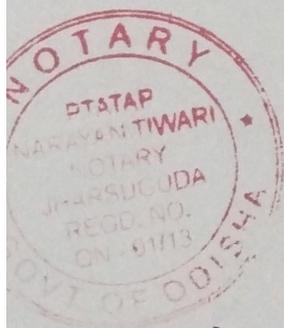


AKASH KALU

land and water resources from which the applicants earn their livelihood. The Applicant, by way of the present Application, further seeks restitutions of the environment and compensation to the damage done to the ecology.

Most Respectfully Sheweth:-

1. That the present application is being filed by the Applicant against the blatant illegality and violation of numerous environmental obligations by the respondents in respect of air, water, agricultural land and forest land pollution caused due to the illegal deposition of raw iron dust over the forest land by constructing a pond-cum- stock yard and operating the same in a highly risk level at near village Bisadihi, Dist. Sambalpur by the Respondent No. 1 (hereinafter referred as “PROJECT”) and the Respondent No. 2 who is the Managing Director of the Respondent No. 1 who is suppose to have the complete responsibility over the Respondent No. 1. The present application raised the substantial question of environment arising out of Environment Protection Act, 1986, The Water(Preservation And Control) Act, 1974, The Air (Preservation And Control) Act, 1981, The forest Conservation Act, 1980, Forest (Conservation)Rules, 2003, Biological Diversity Act, 2002 and the Acts mentioned in scheduled I of NGT Act.
2. That the Applicant citizen of India and is a permanent resident of the above mentioned address. The as the Applicant is residing in the locality seriously concerned about the lives, health, livelihood and the environment of the village. This present application is also filed on behalf of the entire villagers, the Applicant also humble pray before this Hon’ble Tribunal to adjudicates upon the physical injuries and continues damages to the reserve forest, agricultural land and underwater cause due to the negligent act by Respondents. The Applicants seeks to invoke the “Polluter Pay” principal and the “Public trust Doctrine”, which have been declared to be a part of Article 21 of the constitution and is also the mandate of this Hon’ble Tribunal under section 20 of the National Green Tribunal Act.
3. That the Respondent No. 1 is a Company incorporated on the year 1982 named and styled as “M/s. JSW Bhushan Power and Steel Limited” with the main objective of establishing, operating and manufacturing for the production of Iron, Sponge Iron, Steel etc. by burning huge quantity of coal situated at Thelkoloji Po. Lapanga, Dist-Sambalpur, Orissa. The Respondent No. 2 is the Chairman/Managing Director of the Respondent No. 1, Respondent No. 3 to 7 are the state defined under Article 12 of the Constitution of India.



Akash Kalo

Brief facts leading to the present case:-

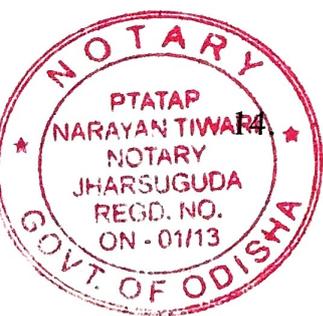
- 4. That the Respondent No. 1 is a limited company which engage in the business of production of Iron, Sponge Iron, Steel etc. by burning huge quantity of coal and processing raw iron.
- 5. That for the production of iron materials the Respondent No. 1 and 2 is suppose to the kept the raw iron in the stock yard cum iron pond by mixing it with the water. The said stock yard cum iron pond are deposited by the agents and the servants of the Respondent No. 1 and 2 by constructing a pond near the village Bisadihi, Dist. Sambalpur. The said raw iron are kept in the liquid stage in the iron pond up to a high 30 feet from the ground level and under the ground level by digging 50 feet and the iron pond was operated by the Respondent No. 1 and 2 in a very negligent way. That the distance between applicant village and the Raw iron pond is about 200 meter. The said Iron pond cum iron stock yard neither do have any green belt surrounding nor do have any proper boundary, and it is also submitted that the Respondent No. 1 and 2 intentionally not install any polythene before depositing of the raw iron dust after digging 50 feet at near village Bisadihi and in consequence the entire underwater is polluted and contaminated with crude Iron and turned in red in colour. The recent photographs of the of the illegal stock yard cum iron pond are annexed there with **Annexure-A (colly)**
- 6. That on the month of November, 2020 the constructing on the Raw Iron Pond-cum-Iron Stock Yard was started and due to heavy dust in the air and contamination of the groundwater the Applicant and the other villagers on the date 14/07/2023 filed a grievance before the Respondent No. 4 but no such effective step were taken by the Respondent No. 4 against the Respondent No. 1 and 2. The copy of the grievance petition dated 14/07/2023 and its translated form is annexed here with **Annexure B (Colly)**.



That the Applicant also made a complaint in written on the date 14/07/2023 before the Respondent No. 3 through the regional state pollution board, Sambalpur and accordingly the Respondent No. 3 conducted a inspection on the date 18/08/2023 and submit its inspection report which is completely un-satisfactory. In-fact in the remark part of the report the Respondent No. 3 not made any pointing towards the installation of the polythene before dumping of raw iron and also not suggested for any green belt. It is further stated that the water samples are also not been examined by the environmental scientist. The copy of the inspection report dated 18/08/2023 is annexed here with **Annexure C (Colly)**.

Akash Kalo

8. That the disputed Raw Iron Pond cum Iron Stock Yard are not covered with the green belt neither have a proper boundary as per the industry establishment rules and NGT guide lines.
9. That due to the constant contamination of the underground water with the crude iron drinking from the well and borewell are not in a condition for the drinking and in the same the production of the agricultural land and the green vegetable are completely decreased. This facts are also known to the Respondent No. 5 but no step were taken till date.
10. That it is also stated that the complete raw iron pond cum stock yard is constructed over the reserve forest land without environmental clearance the Respondent No. 6 knows the facts very clearly but no step were taken so far against the offenders by the Respondent No. 6
11. That the applicants and the entire village are at present are completely land less and not have any income source, complete livelihood was ruptured due to the illegal and negligent operation of the Respondent No. 1 and 2.
12. That it is stated that a similar disaster also occurred on the date 20/01/2022 at the village Banjhiberna (Saurapada), Lapanga Dsit. Sambalpur, Odisha due to collapse of raw iron pond used by **M/s Bhushan Power and Steel Limited** and presently known as **M/s JSW Bhushan Power and Steel Limited** had damaged an area of maximum Acres of agricultural land, along with poultry farm and farm equipments and for which an Original Application was filed by the applicant before this Hon'ble Tribunal, bearing the **OA No. 92/2022/EZ (Anand Rohidas versus M/s. Bhushan Power and Steel Limited)**.
13. That the Applicants submits that agriculture/farming are the only means of their livelihood, as all the agricultural land destroyed permanently or production are decreased due to the illegal operation of the iron pond.



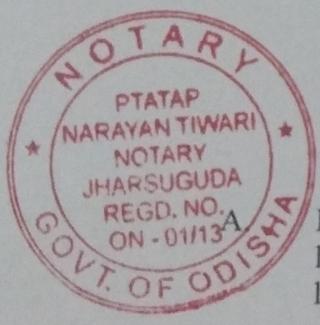
That the subject matter of the present application is grave inasmuch as the same is on account of contamination of the underground water due to constant deposition of the raw iron at near the village Bisadihi, Dist. Sambalpur by constructing iron pond cum iron stock yard which would lead to serious health, hygiene and environmental problems. As a result of the aforesaid acts of the Respondents, the entire villagers right to healthy life and environment enshrined under the Article 21 of the Constitution of the India is being violated. The Applicants further submits that the same is also a threat to the principles of inter-generation equity.

AKASH KALU

- 15. That the Applicants submits that it seeks urgent intervention and directions of this Hon'ble Tribunal to form a committee under the supervision of Respondent No. 7 and to inspect the disputed site. The applicant is also submit before this Hon'ble Tribunal to order the Respondent No. 1 and 2 and its agents to relocate the complete raw iron pond to any other non residential area by using advance scientific methods and also to prevent further calamity at the village Bisadihi, Dist. Sambalpur. The Applicant further pray that it is necessary that the other respondents being various instrumentalities of the state should directed to ensure compliance of the order(s)/ direction(s) of this Hon'ble Tribunals.
- 16. That Applicants submits that it has a good prima-facie case on merits. The balance of convenience is in favour of the Applicants. The Applicants most humble submits that urgent Orders and directions of this Hon'ble Tribunal are the need of the hour to prevent and arrest any further irreversible damages, loss and injury shall be caused to the human life residing in the locality near the project and to the environment on account of the illegal acts done by the Respondent No.1 and 2.
- 17. That the Present application shall be accompanied by a fee of equivalent to one percent of the amount of compensation clamed as prescribed under Section 12 of NGT (Practice and Procedure) Rule, 2011, and the Applicant is paying the fee of Rs. 1000/- (One Thousand Only) in the shape of court fee through account transfer.

The Applicant submits that it is constrained to file the present application on the following amongst other grounds:-

Grounds



- BECAUSE, the project itself exceed all the limits by violating all law of the land by the operation of raw iron pond cum iron stock yard beyond its limitation in the locality and inside the reserve forest.
- B. BECAUSE, the Respondent No.1 and 2 violates the fundamental rights of the residents of the area to a clean and pollution free environment. The Hon'ble Supreme Court of India, in *Vellore Citizens Welfare Forum Vs. Union Of India & Ors (AIR 1996 SC 2715)*, while holding that the right of a person to a pollution free environment is a part of basic jurisprudence of the land, has observed that Article 21 of the Constitution of India guarantees protection of life and personal liberty which include right to fresh air, water and income.
- C. BECAUSE, for the constant deposit of raw iron pond cum iron stock yard in the locality increased the level of pollution and at the cost of their fundamental right to life.

AKASH KALU

- D. BECAUSE, the underground water are directly contaminated by the raw iron pond and in consequence the complete ground water of the village Bisadihi, Dist. Sambalpur are poisoned and not in a drinking condition.
- E. BECAUSE, for the deposition of raw iron pond cum iron stock in the locality the production of the crops, vegetation and aquatic system are completely vanished.
- F. BECAUSE, the respondents cannot simple sit mum by the seen the frequent damages caused to the environment and injuries to the mankind after receiving the complaints or the representations from the local peoples.
- G. BECAUSE, the health of thousands of people residing in the nearby area to the respondent No.1 is in jeopardy due to their exposure to polluted air, water and soil likely to be caused by the Respondent No. 1 and 2 and its agents.
- H. BECAUSE, as per the section 17(1) of NGT Act, the person responsible for causing the adverse impact to the environment is liable to pay relief/compensation for the damage. Therefore in the instance case, the industry owner is liable to pay compensation and ensure restitution of the environment. The *"Polluter Pays" principle as interpreted by the Hon'ble Supreme Court in vellore Citizens Welfare Forum Vs. Union Of India & Ors. (AIR 1996 SC 2715) means that the absolute liability for harm to the environment extends not only to compensate the victims of the pollution but also the cost of restoring the environment degradation. Remediation of the damaged environment is part of the process of "Sustainable Development" and as such polluter is liable to pay the cost to the individual suffering as well as the cost of reversing the damaged ecology.*
- I. BECAUSE, the polluters are liable for restitution of damaged ecosystem in accordance of section 15(1)(b) and (c) of NGT Act.
- J. BECAUSE, in the case of *M.C. Metha Vs. Kamal Nath and other (2000) 6SCC 213*, the Hon'ble Supreme Court observed as under:-
"Pollution is a civil Wrong. By its very nature, it is tort committed against the community as whole. A person, therefore, who is guilty of causing pollution, has to pay damages (Compensation) for restoration of the environment and ecology. He has also to pay damages to those who have suffered loss on account of the act of the offender. In addition to damages aforesaid, the person guilty of causing pollution can also be held liable to pay exemplary damages so that it may cat as a deterrent for others not to cause pollution in any manner".
- K. BECAUSE, the polythene were not instated in the disputed site y the Respondent No. 1 and 2.
- L. BECAUSE, The complete environment is poisoned for the deposition of raw iron in the pond cum iron stock yard and as a consequence the environment is



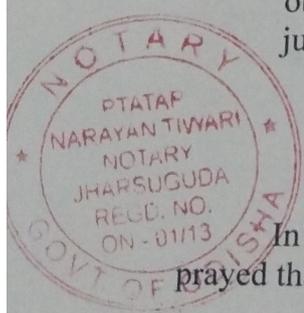
AKASH KALO

not at all suitable for continuances mankind, therefore the complete village must be rehabilitated to any other dust proof zone.

- M. BECAUSE, the government officer are intentionally neglecting to perform their obligation.
- N. BECAUSE, the government officer as well as the private authorities intentionally are not complying the governmental issued guidelines, manuals, Acts, Notifications etc. for the prevention of environmental pollution.
- O. BECAUSE, the Respondent No. 1 and 2 illegally use the forest land for non-forest purpose without taking any approval from the central government.

LIMITATION

- 18. That the Applicant submits that the Present Application is being filed within the statutory period of limitation prescribed under the NGT, Act. Despite repeated requests made to the concerned authorities to take immediate steps against the Respondent. No.1 and 2 with regard to the environmental issue, but the authorities sit mom with close eyes. Hence the present application is being filed within prescribed period on which the date of action occurred and is even otherwise continuing and is therefore within the statutory period prescribed under Section 14(3) of NGT Act.
- 19. That present application is being filed within five years from the date on which the cause of compensation/relief first arose, i.e. damaged to the ecology particularly to the health and hygiene of the people in the locality and is therefore within the statutory period prescribed under Section 15(3) of NGT Act.
- 20. The Applicant has not filed any other appeal or proceeding challenging illegal deposit of the raw iron by the Respondents or the substantial damages caused and being caused to the environment in any other Court, Forum or Tribunal. This Hon'ble Tribunal has the jurisdiction to adjudicate upon the present application.



PRAYER

In view of the above facts and circumstances it is most respectfully prayed that this Hon'ble Tribunal may be pleased to:-

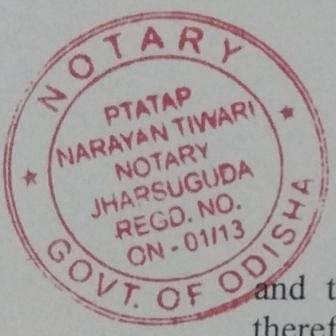
- a). Declaration to the effect that the operation of the limited company i.e, Respondent No.1 and 2 is illegal and contrary to the provisions of *inter alia* Environment protection Act, 1986.
- b). Pass an order directing the Respondent No. 1 ad 2 to relocation within one month of the entire raw iron pond cum iron stock yard

Akash Kato

deposited near the village village Bisadihi, Dist. Sambalpur to any other non residential area.

- c). Direct the Respondents. No. 3, i.e. Odisha Pollution Control Board to immediately constitute a committee to conduct scientific study and to determine the damages caused to the underground water, vegetation of the village and the reserve forest and also to take the remedy thereto and action plan to deal with the illegal deposition of raw iron in the pond cum iron stock yard.
- d). Pass an order directing the Respondent No. 3 to 6 to ensure that no further deposit of raw iron into the pond cum iron stock yard at village village Bisadihi, Dist. Sambalpur, Odisha.
- e). Direct the Respondent No.1 and 2 to pay compensation for restitution of the damages caused to the ecology in accordance with the polluter pay principle.
- f). Direct that the restitution of the area is under taken in accordance with the Polluter pay principle.

Pass any such order or direction in favour of the Applicant as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the case.



Interim Prayer

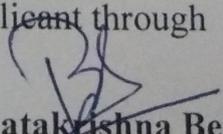
The Applicant has made *prima facie* and have a good chance of success and the balance of convenience also lies in the favour of the Applicant, therefore pending final determination of this Original Application, the applicant fervently interest of the preservation of the reserve forest land and also to prevent further damages to the farming land, the respondents may be directed to not to allow further deposition of raw iron in the pond cum iron stock yard at the village village Bisadihi, Dist. Sambalpur, Odisha, without leave of this Hon'ble Tribunal.

AKASH KALO
Applicant

Sambalpur

By the applicant through

Date 15/01/2024


 (Batakrishna Behera)
 Advocate for Applicant
 At/Po. Bandhabahal, Q.No. B/93
 Dist. Jharsuguda-768211
 Odisha

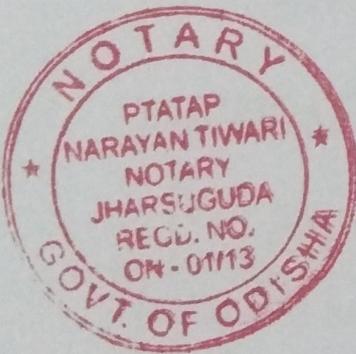
VERIFICATION

I, Akash Kalo aged about 28 years, S/o. Manbodh Kalo, R/o. At-Vill. Bisadihi, Po. Ghichamura, Ps. Thelkoili, Dist. Sambalpur, Odisha-768212, do hereby verify that the contents of paragraph 1 and 2D of the application are all true and correct to the best of my knowledge.

Sambalpur

Date: 15/01/2024

Akash Kalo
Signature of the Applicant



BEFOR PRATAP NARAYAN TIWARI
NOTARY JHARSUGUDA
REGD. NO. ON - 01/13 11

BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
Under Sections 14 and 15 read with sections 17 and 18(1) of the
National Green Tribunal Act, 2010

SL NO. 15 DT. 23.1.24

Original Application No. of 2024

Akash Kalo

.....Applicant

VERSUS

M/s. JSW Bhushan Power and
Steel Limited & ors.

....Respondent

AFFIDAVIT



I, Akash Kalo aged about 28 years, S/o. Manbodh Kalo, R/o. At- Vill. Bisadihi, Po. Ghichamura, Ps. Thelkoili, Dist. Sambalpur, Odisha- 768212, do hereby solemnly affirm and state as follows:-

1. That I am the Applicant in the above Original Application and well conversant with the facts and circumstance of the case and I am duly competent and authorized to file the present affidavit.
2. That I have read and understood the contents of the accompanying application and say that the facts stated above are true and correct as per my personal knowledge and legal advice received by me are the best of my knowledge and belief.
3. That the annexure annexed with the Application are true copies of their respective originals.

VERIFICATION

I, The above named deponent do hereby verify on this 23rd day of January, 2024 that the facts stated herein above are true and correct to my information and no part of its are false and nothing material has been concealed therefrom.

Verified at *Rajnagar* on the 23rd day of January, 2024

Identified by

[Signature]
Advocate

[Signature]
23.1.24

Akash Kalo
Deponent

PRATAP NARAYAN TIWARI
NOTARY JHARSUGUDA
REGD. NO. ON - 01/13
MOB No - 9437345360



12

No. 2624

VAKALATNAMA

IN THE COURT OF National Green Tribunal

Kolkata
at Jharsuguda

Suit Appeal / Case No _____ of _____
Known all men by these present that by this Vakaltnama

I/We Akash Kalo
S/O Manbodh Kalo
P/O At Vill - Bisaulhi
PO - Chichamura, PS - Talekoili
Dist - Sambalpur,
Odisha - 768212

Plaintiff / Defendant / Appellant / Respondent / Petitioner / O Party _____ Complainant
Accused in the aforesaid suit case hereby appoint and retain m-9853764179

Bata Krishna Behera Sn Adl - D/1542/2010

Advocate(s) Pleader(s) to appear for me / us in the above case and to conduct and Prosecute or defend the same and all proceedings that may be taken in respect of any application connected with the same or any decree or order passed therein including all application for return of documents or receipt of any money that may be payable to me / us in the said case and also in application for review and in appeals.

Dated the _____

Akash Kalo
Signature of the Executants

I/We _____
do hereby apponit _____
Pleader / Advocate to act for me/us in the above named case in token whereof I/we have affixed my / our left thumb impression as _____ in the presence of _____

Left Thumb Impression

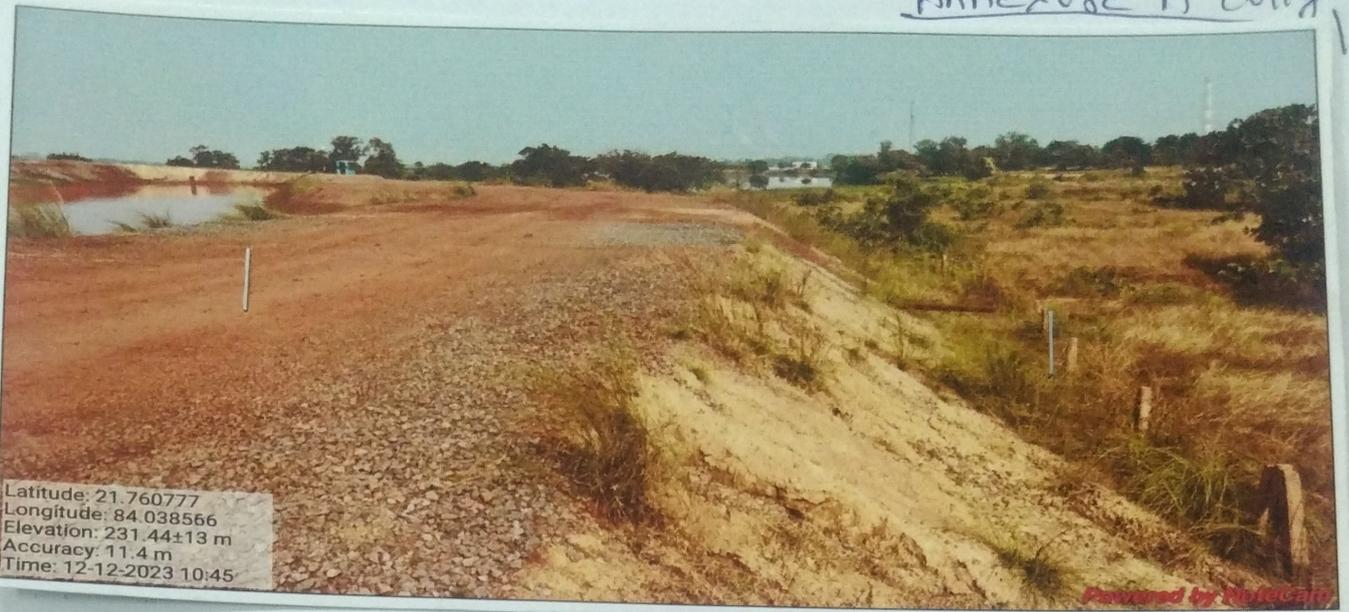
and I/We _____
do hereby attest the above impression as having been affixed in my/ our presence by _____
who is/are known to me.

Signature

Received the Vakalatnama from Executant _____
duly signed or thumb impression by the _____
who is personally whose identify, power of attorney, signature or thumb impression I am / we are satisfied and accept, do not hold brief for the opposite party in the case.

Date 15/01/2024
Dist. Bar Association, Jharsuguda

[Signature]
Advocate
Pleader



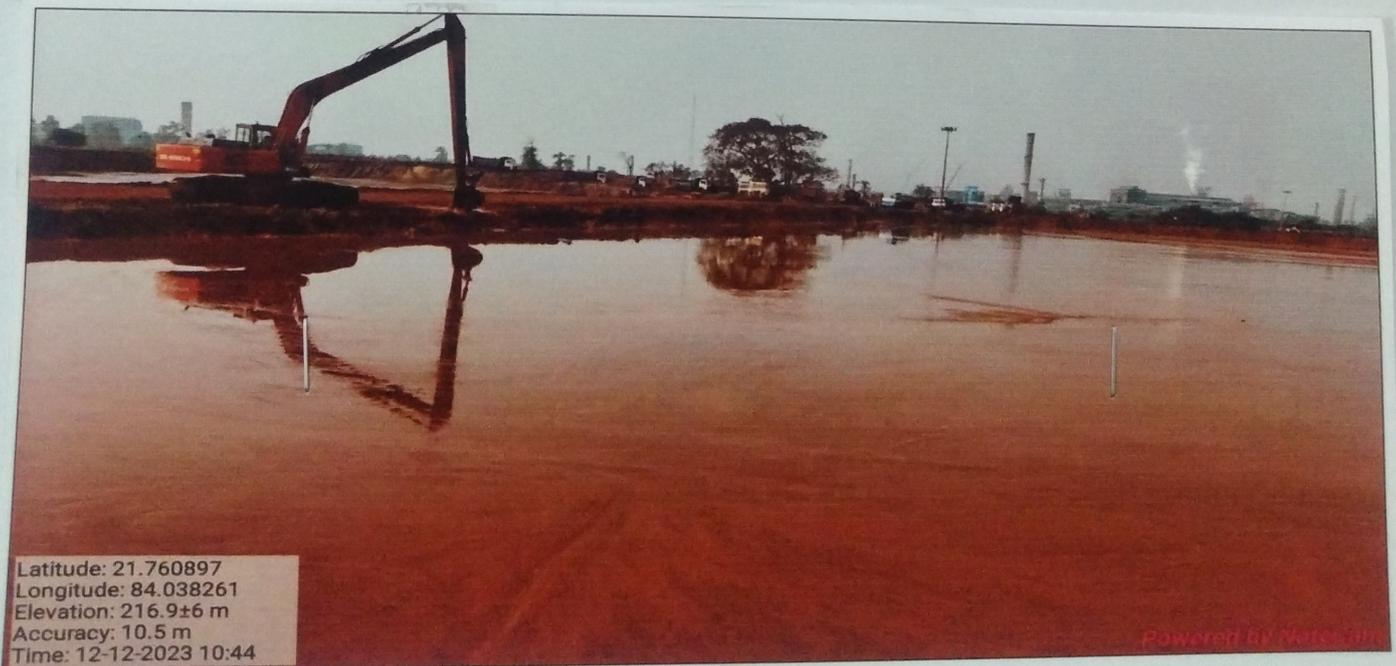
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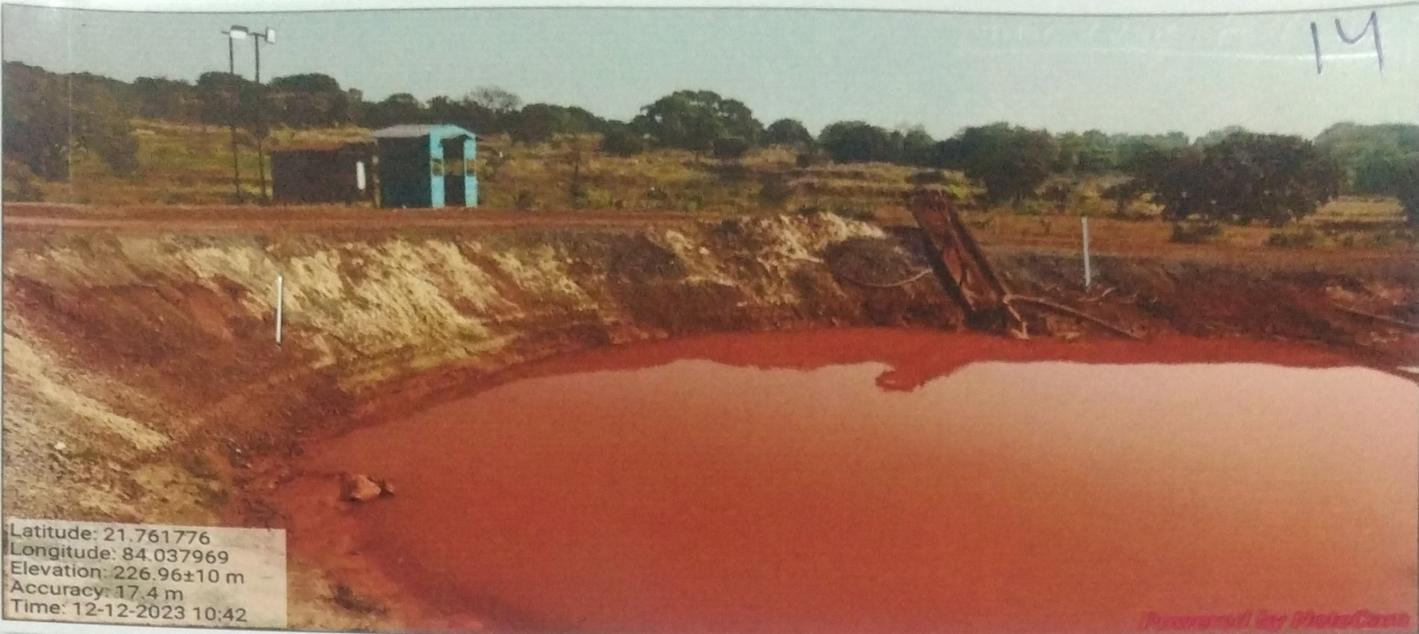
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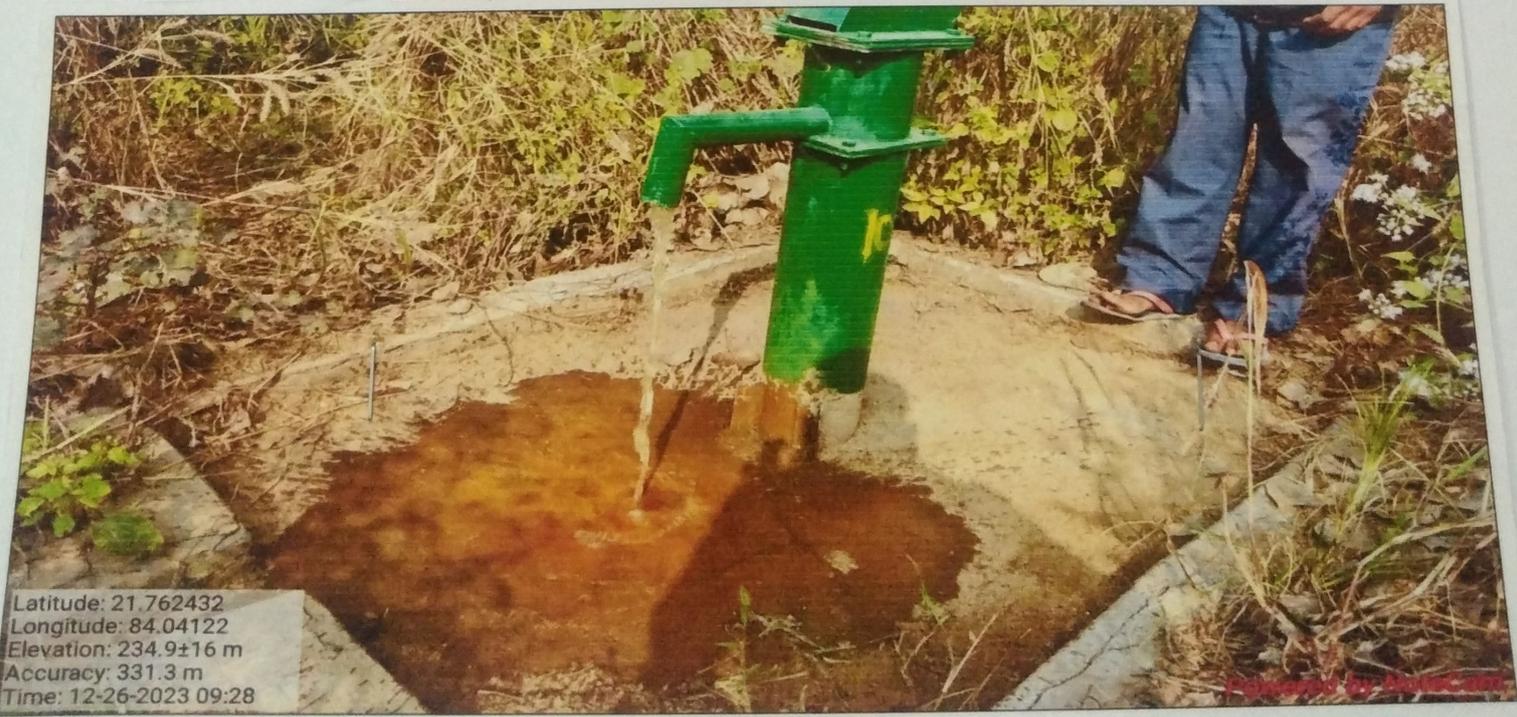
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15



ଅଧିକାରୀଙ୍କୁ ନିମ୍ନଲିଖିତ ନାମରେ
 ଆପଣଙ୍କ ଠାରେ ଚିଠି ପଠାଇବାକୁ ଅନୁରୋଧ କରାଯାଉଛି ।

ନା. - ସମ୍ପର୍କିତ



କୃତ

ଆପଣଙ୍କ ବିକ୍ରମ

1. AKASH KALO

2. Saha dev Panda

Copy to: -

RDC Sambalpur
 SP Sambalpur
 Director Pollution
 Control Board
 Bhubaneswar.
 Pollution office
 Sambalpur.

3. Sangita Ranjan

4. Ananta Chandra

5. Tilottama Kalo

6. Antojami chhotia

7. Debashy ch Pandey

8. Subrat Behera

9. Subrat Behera

10. Ranjit Bagar

11. Ranjan Naik

12. Mahim Bagar
 Krishna ch Kisan

13. Somyant Kalandi

14. Sourav Paul Chhoti

15. Rama kanta Pongrahi

16. Susanta K. Pongrahi

17. Pankaj Pongrahi

18. Pankaj Pongrahi

Translated copy

To,

The Collector, Sambalpur

Sub:- Complaint regarding deposition of illegal waste material and damage caused to my private land.

Respected Sir,

With reference to the subject site above it is to inform that the, we are the resident of village Bisardihi under Ghichamura grampanchayat, Dist. Sambalpur, at a distance of 500 meter form our village the JSW company is depositing the waste material, the said material are directly contaminating the pond of our village and we people are directly depend upon the village pond. It is to inform that we face great difficulty while bathing in the pond. At present many people are suffering from several diseased by using the said pond.

It is to inform that our agricultural land is completely damaged and whenever we protest before the company the company never put any heed to our request, the public road is completely dusty and we unable to travel in the said road.

Hence, we respectful prayer before you to consider the abovementioned fact and circumstances and to take immediate and appropriate legal action against the worker of JSW Cmpany.

Date 14/07/2023

Pl. Saurapada

Copy to :-

1. RDC Sambalpur
2. SP, Sambalpur
3. Director Pollution Control Board Bhubaneswar
4. Pollution Office Sambalpur

Yours faithfully

1. Akash Kalo
2. Sahadev Panda
3. Sangita Panda
4. Manbodh Kalo
5. Tilottama Kalo
6. Antayami Chhotria
7. Subash Ch Pandey
8. Sakuntala Kalo
9. Subrat Beriha
10. Ranjit Bagar
11. Ranjan Naik
12. Nabin Bagar
13. Krujalan Ch Kisan
14. Sanyasi Kaudi
15. Sourav Pani Gorapi
16. Rama Kanta Panigrahi
17. Susanta Ku. Panigrahi
18. Pramaya Pangrahi

Annexure - C

Tel: 0663-2950151
Email: rospcb.sambalpur@ospcboard.org
Website: www.ospcboard.org

19



OFFICE OF THE REGIONAL OFFICE, SAMBALPUR
STATE POLLUTION CONTROL BOARD, ODISHA
[DEPARTMENT OF FOREST & ENVIRONMENT, GOVERNMENT OF ODISHA]
1070, Hospital Road, Modipara, Sambalpur-768002

No. 3075/

IV Misc-04/2021-22

Date 31.08.2023

From:

Dr. S.N.Nanda
Regional Officer

To

The Chief Environmental Engineer,
State Pollution Control Board,
Bhubaneswar

Sub:- Submission of inspection report with respect to the complaint filed by Sri Akash Kalo and others of Village- Bisadihi, GP/PO- Ghichamura, PS- Thelokoi, Dist. -Sambalpur regarding unauthorized dumping of waste materials by M/s. Bhushan Power and Steel Limited, At- Thelkoloi, PO- Lapanga, Dist. - Sambalpur, Odisha- Reg.

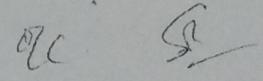
Ref: - Your Office Letter No. 12203/ Publ.Comp./Misc.340, Dtd. 03.08.2023

Sir,

With reference to the subject above, the alleged site in Bisadihi village of Ghichamura Gram Panchayat was inspected on dtd **18.08.2023** in connection with the complaint petition filed by Sri Akash Kalo and others of Village- Bisadihi, GP/PO- Ghichamura, PS- Thelokoi, Dist. -Sambalpur regarding unauthorized dumping of waste materials by M/s. Bhushan Power and Steel Limited, At- Thelkoloi, PO- Lapanga, Dist. - Sambalpur, Odisha. The inspection and analysis reports are hereby enclosed for your kind information and necessary action.

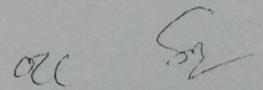
Yours faithfully

Encl: as above.


Regional Officer

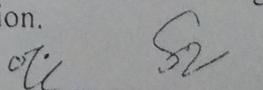
Memo No. 3076 /Dt. 31.08.2023 Speed Post/Email

Copy forwarded to the Private Secretary of the Chairman, State Pollution Control Board, A/118, Nilakantha Nagar, Unit-VIII, Paribesh Bhawan, Bhubaneswar for kind information.


Regional Officer

Memo No. 3077 /Dt. 31.08.2023 Speed Post/Email

Copy forwarded to the Sr. Law Officer, Level-1, State Pollution Control Board, A/118, Nilakantha Nagar, Unit-VIII, Paribesh Bhawan, Bhubaneswar for kind information and necessary action.


Regional Officer

Inspection report on complaint petition received from Head office filed by Sri Akash Kalo and others of Village- Bisadihi, GP/PO- Ghichamura, PS- Thelokoi, Dist. - Sambalpur regarding unauthorized dumping of waste materials by M/s. Bhushan Power and Steel Limited, At- Thelkoloi, PO- Lapanga, Dist.- Sambalpur, Odisha

A complaint petition regarding unauthorized dumping of waste materials by M/s. Bhushan Power and Steel Limited, At- Thelkoloi, PO- Lapanga, Dist.- Sambalpur has been filed by Sri Akash Kalo & others of Village- Bisadihi, GP/PO- Ghichamura, PS- Thelokoi, Dist.- Sambalpur, which is forwarded from Head Office vide letter no. 12203/Publ.Comp./Misc.340, dt. 03.08.2023, wherein it has been alleged the following point(s) related to pollution:

1. The tailing pond of the industry is about 500 m from the village habitation. The wastewater coming from the tailing pond is being discharged to two numbers of ponds of the village. The village people are depending for bathing and agricultural purposes on these ponds. Due to wastewater discharged into these ponds the villagers are suffering from different diseases.
2. The wastewaters from tailing ponds are discharged into the nearby agricultural paddy fields of the villagers. Hence the crops are damaged and resulting in lesser yield.
3. As the tailing pond is about 500 m from the village there is air pollution in the village.

In this regard an inspection of the alleged site has been conducted on dtd. 18.08.2023 and also interacted with the complainant and other villagers at Village- Bisadihi. Sri Akash Kalo, complainant of Village- Bisadiha, Sri Bipin Bhoi, complainant of Village- Bisadiha, Sri Niranjan Parida, Manager (Environment) of M/s. Bhushan Power and Steel Limited, Thelkoloi, Sri Nishikanta Pattanaik, Sr. Manager of M/s. Bhushan Power and Steel Limited, Thelkoloi and Sri Ranjeet Singh, Officer of M/s. Bhushan Power and Steel Limited, Thelkoloi were present during inspection.

Consent to operate status of M/s. Bhushan Power and Steel Limited, At- Thelkoloi, PO- Lapanga, Dist.- Sambalpur: The consent to operate of the industry is valid up to 31.03.2024, vide letter no. 4429/IND-I-CON-4650, dtd. 22.03.2023.

Observations during visit:

1. The alleged site is located at a distance of approx. 500 m from the boundary of tailing ponds.
2. Sri Akash Kalo, complainant of Village- Bisadiha showed two numbers of ponds and alleged that wastewater has been discharged from the tailing pond to these ponds. One number of pond (say Pond No.1) appears muddy and light brown in colour (Fig.1) and

the other pond appears to be used by the villagers (say Pond No.2), the water appears to be clear (Fig. 2). Water samples have been collected from both the ponds. The analysis report reveals that all the parameters are within the prescribed standard of the Board. The analysis report is enclosed.

3. Sri Bipin Bhoi, complainant of Village- Bisadihi showed the affected alleged agricultural field (Fig. 3). It appears to be muddy and light brown in colour like pond no. 1 as the water from the paddy field goes to pond no. 1. Water sample from the agricultural paddy field has been collected. The analysis report reveals that all the parameters are within the prescribed standard of the Board. The analysis report is enclosed.
4. The tailing pond was also inspected to find the source of the alleged complaint and it was observed that the tailings were thickened in a paste thickener and pumped to the tailing ponds through disposal pipe. The supernatant of the active tailing pond are being collected in the supernatant pond through pipe by the help of gravity and due to heavy rainfall there was discharge from this supernatant pond from the emergency discharge pipe (Fig. 4) to outside of the tailing pond area which runs to nearby agricultural field and pond no. 1 and visible by the red trail of the discharge route (fig. 5). On the day of inspection, there was no discharge from the supernatant pond or active tailing pond.
5. The tailings were collected in the tailing pond in liquid form so there is no fugitive emission observed from the tailing pond to the Bisadihi village.

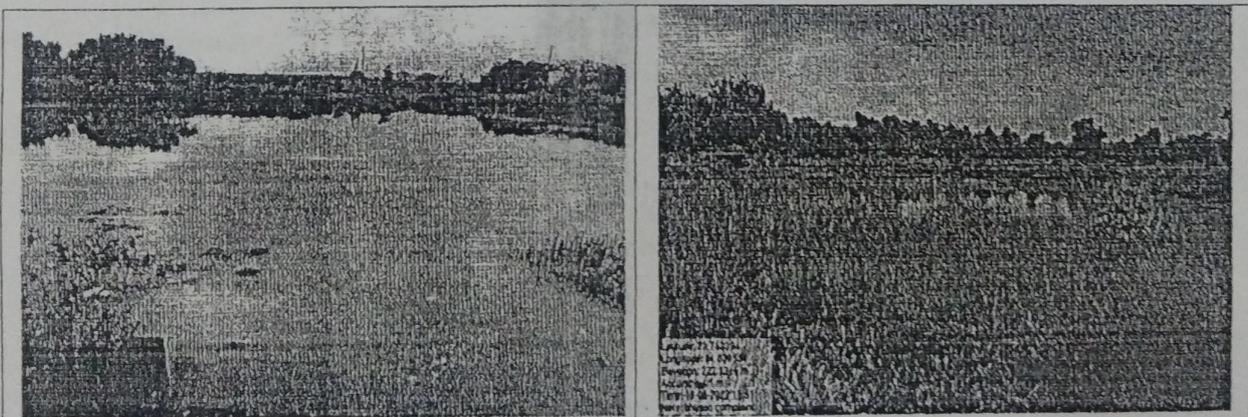


Fig. 1. Pond no.1 appears muddy and light brown, in colour



Fig 2. Pond no.2 appears to be clear

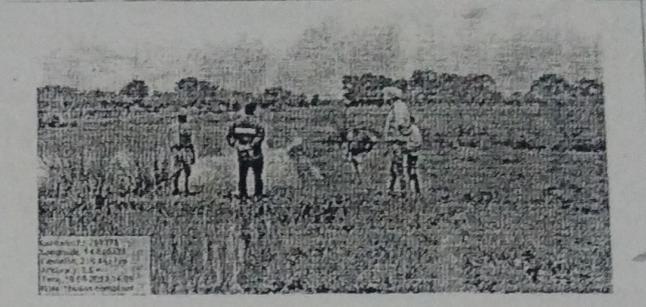


Fig 3. Agricultural paddy field where Sri Bipin Bhoi do the farming



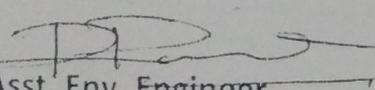
Fig 4. The discharge pipe of the supernatant pond to outside appears to have discharge the supernatant liquid during heavy rainfall

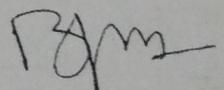


Fig 5. The red trail of the discharge connecting to pond no.1 and agricultural paddy fields formed during heavy rainfall.

Remarks:

1. In view of the above, the industry may be directed to construct the boundary wall immediately.
2. The industry should ensure that there should not be any discharge of wastewater from tailing ponds to outside even on heavy rainfall.


 Asst. Env. Engineer
 S.P.C. Board, Sambalpur
 Asst. Environmental Engineer
 State Pollution Control Board
 Regional Office, Sambalpur


 Dy. Env. Engineer
 S.P.C. Board, Sambalpur
 Deputy Env. Engineer
 SPC Board, Sambalpur

23

Tel : 0663-2950151
Email : rospcb.sambalpur@ospboard.org
Website : www.ospboard.org



OFFICE OF THE REGIONAL OFFICE, SAMBALPUR
STATE POLLUTION CONTROL BOARD, ODISHA
[DEPARTMENT OF FOREST & ENVIRONMENT, GOVERNMENT OF ODISHA]
1070, Hospital Road, Modipara, Sambalpur-768002

Lab. Ref. No. OW/115/08/2023-24

Date: 24.08.2023

ANALYSIS REPORT OF WATER SAMPLE

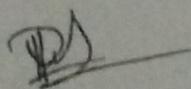
Name & Address of the Industry / Source : Other water sample from Bisadidhi village, At: Bisadihi, PO: Lapanga, P.S: Thelkolo, Dist.: Sambalpur

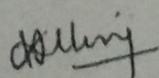
Date of Sample Collection/ : 18.08.2023

Submitted on : 19.08.2023

Sample Collected by/ Submitted by : Er. B. Pradhan, DEE & Er. R.K. Panda, AEE

Sl. No.	Location of sampling point	pH	TSS (mg/l)	BOD (mg/l)	COD (mg/l)	Fe (mg/l)	Oil & Grease (mg/l)
1	Water sample from pond no.-1 of Bisadihi village	6.3	86	12	96	0.23	ND
2	Water sample from pond no.-2 of Bisadihi village	8.5	42	10	80	0.04	ND
3	Water sample from nearby agricultural paddy field of Bisadihi village	6.2	74	10	64	0.26	ND
Prescribed Standard		6.5-9.0	100.0	30.0	250.0	3.0	10.0


ANALYSED BY:
Asst. Scientific Officer,
Regional Office of State Pollution
Control Board Sambalpur


DY. ENV. SCIENTIST
Deputy Environmental Scientist
Regional Office of State Pollution
Control Board, Sambalpur