

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

APPEAL NO. 29/2022

(Earlier Appeal No. 11/2022 (CZ))

IN THE MATTER OF:

Rathi Special Steels Ltd.

...APPELLANT

//VERSUS//

Commission for Air Quality Management in NCR & Ors.

...RESPONDENTS

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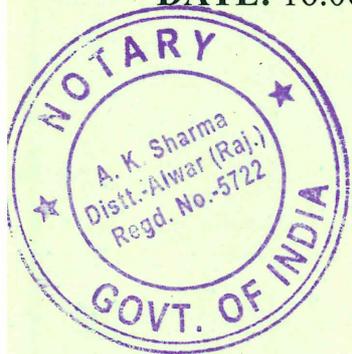
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PLACE : BHIWADI

DATE: 16.06.2022



**COUNSEL FOR RESPONDENT NO. 2
SANDEEP SINGH BAGHEL**



ATTESTED

NOTARY, ALWAR (Raj.)
16 JUN 2022

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL, PRINCIPAL
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IN THE MATTER OF:

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...RESPONDENTS

**REPLY ON BEHALF OF RESPONDENT NO. 2 – RAJASTHAN STATE
POLLUTION CONTROL BOARD.**

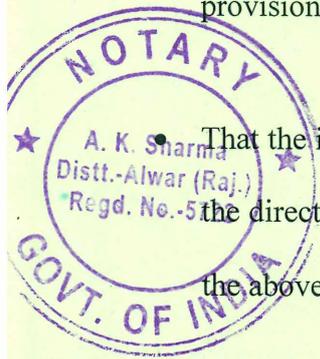
It is humbly submitted on behalf of Respondent No. 2 as under:

- That the instant appeal is preferred by the Appellant against order dated 21.01.2022 passed by Commission for Air Quality Management in National Capital Region and Adjoining Areas (hereinafter referred to as 'Commission') exercising powers under "Commission for Air Quality Management in National Capital Region and Adjoining Areas Act, 2021" (in short 'Commission Act, 2021') and statutory directions issued by Commission under the provisions of the said Act.

That the instant Reply to Appeal is being filed on behalf of the Respondent No. 2 pursuant to the directions issued by the Hon'ble National Green Tribunal, Principal Bench, New Delhi in the above captioned matter.

- That, the Hon'ble Tribunal vide its order dated 09.06.2022 was pleased to direct that the answering respondent i.e. Rajasthan State Pollution Control Board, may also file its reply, particularly on compliance with reference to environmental norms, use of cleaner fuel as per direction 49 of the Commission besides not granting consent and delayed action on account

of whether requiring EC or not.



ATTESTED

- That, in reference to the issues raised pertaining to Environmental Norms, it is submitted that as per available records, last stack monitoring by the State Board was conducted on 24.12.2019 and Particulate Matter was found within the prescribed limits of 150 mg/Nm³. Observed value of Particulate matter was 142 mg/Nm³. Industry is non-operational at present. Copy of Report of the State Board Analyst dated 24.12.2019 is marked and annexed herewith as **Annexure R-2/1.**
- That, in reference to the issues raised pertaining to use of cleaner fuel, it is submitted that as per Rajasthan State Pollution Control Board's Office order dated 13.04.2022, all units which are using fuel other than cleaner fuel or biomass fuel in the areas where PNG supply is available, shall convert the unit to a cleaner fuel or biomass fuel till 30.09.2022. Copy of the office order dated 13.04.2022 passed by the RSPCB is marked and annexed herewith as **Annexure R-2/2.**
- That, in reference to the issues raised pertaining to not granting consent and delayed action on account of whether requiring EC or not, it is submitted that in compliance of order dated 12.02.2020 of Hon'ble National Green Tribunal in O.A. No. 55/2019 (WZ) and subsequently MOEF & CC's letter dated 22.10.2020; industry was directed vide State Board's letter dated 24.12.2020 to apply for Environment Clearance and get covered under EIA Notification, 2006 and submit a copy of the same to the State Board. Industry applied for renewal of the consent to operate on 10.03.2021 without requisite Environment Clearance. Industry was also issued show cause notices vide letter dated 06.07.2021 and 16.08.2021 in this regard. M/s Rathi Special Steels Ltd. has applied for Environment Clearance on 10.05.2022 which is awaited and therefore, consent to operate is pending. Copy of the letter dated 24.12.2020, 06.07.2021 and 16.08.2021 is marked and annexed herewith as **Annexure R-2/3.**

That an Affidavit in support of the reply is also being filed alongwith.

That the Answering Respondent craves leaves to make additional submissions during the adjudication of this matter.

ATTESTED

NOTARY AIWAR (Raj)



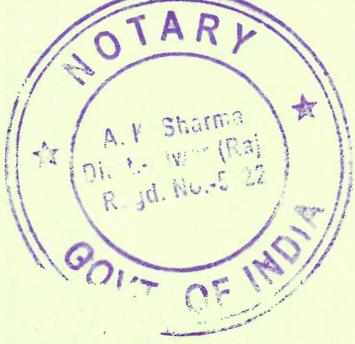
PRAYER

- That the Reply of the Answering Respondent No.2 be taken on record.

- Any other relief as the Hon'ble Tribunal may deem fit.

PLACE: Bhiwadi

DATE: 16.06.2022



A small white rectangular box containing a handwritten signature in blue ink, which appears to be "Sandeep Singh Baghel".

**COUNSEL FOR RESPONDENT NO. 2
SANDEEP SINGH BAGHEL**

ATTESTED

NOTARY, ALWAR (Raj)
16 JUN 2022

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL, PRINCIPAL
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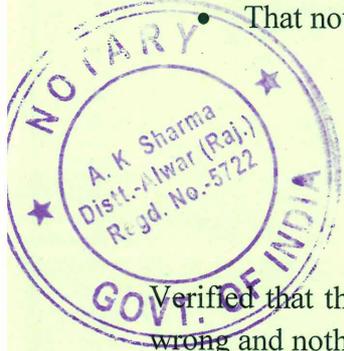
APPEAL NO. 29/2022

(Earlier Appeal No. 11/2022 (CZ))

AFFIDAVIT

I, Amit Sharma S/o Dr Sushil Narayan Sharma, aged 50 years, presently Regional Officer, Rajasthan State Pollution Control Board, Bhiwadi do hereby affirm on oath as under:

- That I am the authorized Representative of the Respondent no. 2 – Rajasthan State Pollution Control Board in the present Appeal and fully conversant with the facts of the case and hence competent to swear on this affidavit.
- That the contents of the Reply being filed are true and correct and based on the documents filed along with the Reply.
- That nothing material has been suppressed or concealed.



Deponent
क्षेत्रीय अधिकारी

VERIFICATION

Verified that the content of my affidavit are true and correct to my knowledge, no part of it is wrong and nothing has been kept concealed therefrom.

Verified and signed here on this 16th day of June 2022

Deponent
क्षेत्रीय अधिकारी

Deponent Sworn Before me and
Admitted Correct Hence Attested

Notary, Alwar

16 JUN 2022

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

APPEAL NO. 29/2022

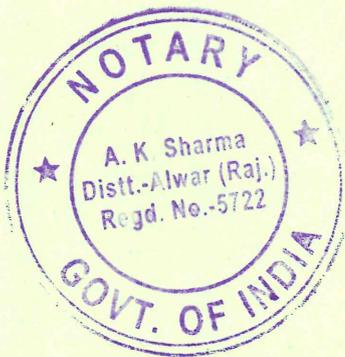
(Earlier Appeal No. 11/2022 (CZ))

LIST OF DOCUMENTS

Sr.No	Particulars	Annexure	Page No.
•	Report of the State Board Analyst dated 24.12.2019	R-2/1	7
•	Rajasthan State Pollution Control Board order dated 13.04.2022	R-2/2	8
	Rajasthan State Pollution Control Board letter dated 24.12.2020, 06.07.2021 and 16.08.2021	R-2/3	9-13

PLACE: Bhiwadi

DATE: 16.06.2022



**COUNSEL FOR RESPONDENT NO. 2
SANDEEP SINGH BAGHEL**

ATTESTED
A
NOTARY, ALWAR (Raj.)
16 JUN 2022

ANX-1

442

FORM - X
RAJASTHAN STATE POLLUTION CONTROL BOARD
REPORT OF THE STATE BOARD ANALYST

(See Rule - 10)
Final Report

Report No. : 394

Report On : 24/12/2019

I hereby certify that I Ms Neha Agarwal, State Board Analyst duly appointed under sub Section(2) of Section 29 of the Air (Prevention & Control of Pollution) Act, 1981 received on the 13/12/2019 from Shri Bhag Chand Yadav, JSO, Bhiwadi ,RSPCB Bhiwadi & Mr Anil Bairwa, JSO, Bhiwadi ,RSPCB Bhiwadi a sample of Source Emission (Stack) of M/S Rathi Special Steels Ltd , Plant - M.S TMT Bars [25881] ,SP-29 and F-20-24, , Tehsil- Tijara , District- Alwar Collected from Stack monitoring of stack attached to reheating furnace Collected on 13/12/2019. The Sample was in a condition fit for analysis as reported below :-

I further certify that I have analyzed the aforementioned sample on 24/12/2019 and declare the result of the analysis to be as below :-

S. No.	Parameters	Result
1	Particulate Matter mg/Nm ³	142

The condition of the seals, fastening and container on receipt was as follows : Intact
Signed This On 24/12/2019

[Signature]
BOARD ANALYST

Rajasthan State Pollution Control Board
Regional Office Bhiwadi
G.O-I, Phase-2, RIICO Industrial Area,
Bhiwadi
Phone: 01493-221435



RAJASTHAN STATE POLLUTION CONTROL BOARD
4, Paryavaran Marg, Institutional Area, Jhalana Doongri,
Jaipur (Rajasthan)
Phone No. 0141-2716802, 0141-2716807, Fax No. 0141-2716895
Email:- member-secretary@rpcb.nlc.in

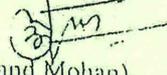


OFFICE ORDER

In supersession to earlier office order no. F.14(5-Adm)RPCB/Plg/343-366 dated 06.07.2021 and in compliance of the Direction no. '53', '56' & '62' of the Commission for Air Quality Management in NCR and Adjoining Areas, the consent applications under the Air Act/Water Act in NCR area may be disposed in following manner :-

- (a) The applications for consent to establish under the Air Act/Water Act should not be granted to all such units (except the units which are using D.G. sets for emergency purpose only) which are using fuel other than cleaner fuels or biomass fuels in NCR sub-region of Rajasthan.
- (b) The applications for consent to operate under the Air Act/Water Act may be granted to all such units which are using fuel other than cleaner fuel or biomass fuel in the areas where PNG supply is available with the specific condition that "the project proponent shall convert the unit to cleaner fuel and biomass fuel till 30.09.2022".
Similarly, applications for consent to operate of units which are using fuel other than cleaner fuel or biomass fuel in the areas where PNG supply is not available, may be granted with the specific condition that "the project proponent shall convert the unit to biomass fuel till 31.12.2022".
Please note that consent granted with the aforesaid condition shall deemed to be revoked, if the unit does not comply with the aforesaid condition and fail to convert to cleaner fuels or biomass fuel within the specified time scheduled.
- (c) The applications for consent to operate for DG sets may be granted in accordance to the Direction no. '56' dated 08.02.2022 of the Commission.

Yours sincerely


(Anand Mohan)
Member Secretary

Date- 13/04/22

F.11(583)RPCB/Lab/177-201
Copy to following for information:-

1. P.S. Chairperson, RSPCB, Jaipur.
2. P.S. to Member Secretary, RSPCB, Jaipur.
3. The CEE/CSO, RSPCB, Jaipur.
4. Group In-charge, Planning/CPP/Textile/Mines & SCMG DS/CD/PDF/Legal/ B&C/ Food & Misc./HOGM/Project & IEC/Solid, e-waste, Plastic, Liquid waste, Hazardous waste Cell/BMW, ECC/RTI/PCC, RSPCB, Jaipur.
5. The Regional Officer, Regional Office, RSPCB, Alwar/Bhuratpur/Bhiwadi.


Member Secretary



Rajasthan State Pollution Control Board

Headquarter, 4, Institutional Area, Jhalana Doongri, Jaipur-302004

Phone : 0141-2716804, 2716907 e-mail : member-secretary@rpcb.nic.in

TollFree HelpLine No. : 18001806127 Ext.

Registered Post

F-Tech/RPCB/HOGM/Gen- 796/ 988-989

Date: 24.12.2020

To,
M/s Rathi Special Steel Pvt. Ltd.,
SP-29 & F-20 to 24, RJA, Khushkhera, Bhiwadi

Sub: Order dated 12 February, 2020 of Hon'ble National Green Tribunal in O.A. No. 55/2019 (WZ) in the matter of Gajubha Jesar Jadeja v/s Union of India & Ors.- Request for providing list of re-rolling/cold rolling units established or operating with a CTE/CTO from the concerned State Pollution Control Board (SPCBs)/ Pollution Control Committees (PCCs) without obtaining prior Environment Clearance from MoEF&CC/Concerned SEIAA - regarding.

Ref.:- MOEF&CC letter no. F. No. IA-J-11013/8/2019-IA-II (I) dated 22.10.2020 (Copy enclosed).

Sir,

With reference to above, in compliance to MOEF&CC letter dated 22.10.2020 and Hon'ble NGT's order dated 12.02.2020, you are directed to apply for fresh Environmental Clearance to the competent authority and get covered under EIA Notification 2006, if applicable, before 11.02.2021 and submit details and copy of the same to the State Board.

This bears approval from competent authority.

Encl: As above.

Yours sincerely,

(Rajeev Mahnot)

Sr. Environmental Engineer (HOGM)

Copy to the following:-

Regional Officer, Rajasthan State Pollution Control Board, Bhiwadi.

Sr. Environmental Engineer (HOGM)



Rajasthan State Pollution Control Board

Headquarter, 4, Institutional Area, Jhalana Doongri, Jaipur-302004

Phone : 0141-2716804, 2716907 e-mail : member-secretary@rpcb.nic.in

TollFree HelpLine No. : 18001806127 Ext.

Registered Post

F-Tech /RPCB/HOGM/Gen- 796/ 208-211

Date: 06.07.2021

To,
M/S. Rathi Special Steel Pvt. Ltd.,
SP-29 & F-20 to 24, RIA, Khushkhera, Bhiwadi.

Sub: Show cause notice for intended revocation of Consent to operate under the provisions of Air (Prevention and Control of Pollution) Act, 1981 and Water (Prevention and Control of Pollution) Act, 1974.

- Ref.:-
1. MOEF&CC letter no. F. No. IA-J-11013/8/2019-IA-II (I) dated 22.10.2020.
 2. Consent to operate was issued on 21.06.2018 which is valid upto 31.07.2021.
 3. This office letter dated 24.12.2020.

Sir,

1. Whereas the Air (Prevention and Control of Pollution) Act, 1981 (hereinafter called as the "Air Act") came in to force in whole of the State of Rajasthan w.e.f. 16.6.1981;
2. And whereas the Water (Prevention and Control of Pollution) Act, 1974 (Hereinafter called as the "Water Act") came in to force in whole of the State of Rajasthan w.e.f. 23.3.74;
3. And whereas the said Air and Water Acts were enacted to provide for the prevention & control of Air and Water pollution and for the maintaining and restoring the wholesomeness of air and water respectively.
4. And whereas keeping this in view the Rajasthan State Pollution Control Board (herein after called as the "Board") has been conferred powers to take such steps as are necessary for the prevention control & abatement of air and water pollution.
5. And whereas industry is operating in the name & style of M/S. Rathi Special Steel Pvt. Ltd., (herein after called as the "Industry") at SP-29 & F-20 to 24, RIA, Khushkhera, Bhiwadi, which generate polluted trade/domestic effluent and air emissions and engaged in the production of M.S. items i.e. M.S Bar/Angle, Channel etc. through Rolling Mills.
6. And whereas industry was granted consent to operate vide above referred consent letter with conditions mentioned therein.
7. And whereas in compliance to MOEF&CC letter dated 22.10.2020 and Hon'ble NGT's order dated 12.02.2020 in O.A. No. 55/2019 (WZ) in the matter of Gajubha Jesar Jadeja v/s Union of India & Ors., you were required to apply for fresh Environmental Clearance to the competent authority and get covered under EIA Notification 2006 before 11.02.2021.
8. And whereas a letter was issued on 24.12.2020 from this office in this regard and directed the industry to get covered under EIA Notification 2006 and submit details and copy of fresh Environmental Clearance to the State Board.
9. And whereas industry has failed to obtain the required Environmental Clearance under EIA Notification 2006 within the stipulated time period.

In view of above, this show cause notice is being issued as to why the consent to operate referred above be not revoked for the reasons stated herein above. In case you wish to submit any clarification/ objections to above notice, please arrange to submit your clarification along with

the supporting documents/evidence within 15 days of issuance of this notice to this office as well Regional Office, RSPCB, Bhiwadi failing which the consent to operate referred above shall be revoked without further notice.

This bears the approval of the competent authority.

Yours sincerely,

(Rajeev Mahnot)
Sr. Environmental Engineer (HOGM)

Copy to the following:-

1. Regional Officer, Rajasthan State Pollution Control Board, Bhiwadi to verify the reply of show cause notice & submit report with clear recommendations for further course of action in the matter.
2. Office File of M/S. Rathi Special Steel Pvt. Ltd., SP-29 & F-20 to 24, RIA, Khushkhera, Bhiwadi.
3. Master File.


Sr. Environmental Engineer (HOGM)



Rajasthan State Pollution Control Board

Headquarter, 4, Institutional Area, Jhalana Doongri, Jaipur-302004

Phone : 0141-2716804, 2716907 e-mail : member-secretary@rpcb.nic.in

TollFree HelpLine No. : 18001806127 Ext. 7

Regd. Post

F-Tech (M-221)/RPCB/HOGM/(UID-25881)/445-447 Date: 16/08/2021

M/s Rathi Special Steels Ltd.,

SP-29 & F-20-24, RIA,

Khushkhera, Tijara, Distt- Alwar.

(Email contact@rathisteels.com)

Sub.:- Show cause notice for intended refusal of application for Consent to operate (renewal) under Air (Prevention and Control of Pollution) Act, 1981 and Water (Prevention and Control of Pollution) Act, 1974.

Ref: - (i) CTO issued vide order no 2018-2019/CPM/5242 dated 21.06.2018.

(ii) Your application for consent to operate (renewal) dated 10.03.2021. (App. Id – 275845).

(iii) This office letter no. F-Tech (M-221)/RPCB/HOGM/(UID-25881)/208-211 dated 06.07.2021 .

Sir,

1. Whereas the Air (Prevention and Control of Pollution) Act, 1981 (hereinafter called as the "Air Act") came in to force in whole of the State of Rajasthan w.e.f. 16.6.1981;
2. And whereas the Water (Prevention and Control of Pollution) Act, 1974 (Hereinafter called as the "Water Act") came in to force in whole of the State of Rajasthan w.e.f. 23.3.1974;
3. And whereas the said Air and Water Acts were enacted to provide for the prevention & control of Air and Water pollution and for the maintaining and restoring the wholesomeness of air and water respectively;
4. And whereas keeping this in view the Rajasthan State Pollution Control Board (hereinafter called as the "Board") has been conferred powers to take such steps as are necessary for the prevention control & abatement of air and water pollution.
5. And whereas industry is being operated in the name & style of M/s Rathi Special Steels Ltd., at SP-29 & F-20-24, RIA, Khushkhera, Tijara Distt- Alwar and engaged in manufacturing of M.S. CTD/ TMT Bars & MS Round and M.S. Ingots/ Billets which generate polluted trade/domestic effluent and air emissions.
6. And whereas consent to operate was granted under the Air & Water Act vide letter dated 21.06.2018. valid up to 31.07.2021 subject to conditions mentioned therein.
7. And whereas industry has applied for consent to operate (renewal) vide application dated 10.03.2021.
8. And whereas application & documents submitted by the industry were examined & found that industry has not submitted following documents/details along with consent application:-
 - (i) Copy of EC in compliance of NGT order dated 12.02.2020.
 - (ii) Details of fuel being used in all the air emission sources with Pollution Control Measures adopted & stack height provided.
 - (iii) Time bound Action plan and estimate for point wise compliance of State Board's order dated 26.12.2019 w.r.t. mechanism for environment management of CPA & SPA.

- (iv) Clarification and Application for Consent to Establish for increase in capital investment from Rs. 62.79 Crore to Rs. 72.84 Crore (i.e. Rs. 10.05 Cr.) along with applicable consent fee of Rs. 60,000/-.
- (v) Self certified production figures of the last 03 years.
- (vi) Air/water monitoring report from MoEF & CC approved laboratory or monitoring report from State Board laboratory.

15. And whereas industry has failed to submit requisite details /documents along with consent application.

In view of above, this show cause notice is being issued as to why the consent to operate (renewal) application referred above be not refused for the reasons stated herein above. In case you wish to submit any clarification/ objections to above notice, please arrange to submit your clarification along with the supporting documents/evidence by 31.08.2021 to this office as well as R.O. Bhiwadi failing which the consent to operate (renewal) application shall be refused without further notice.

Yours sincerely,

ec

(Rajeev Mahnot)
Sr. Environmental Engineer (HOGM)

Copy to the following:-

- 1) Regional Officer, Rajasthan State Pollution Control Board, Bhiwadi – this is in continuation to this office letter dated 18.02.2020 and email dated 16.07.2021, you are requested to verify the contents of the consent application and industry's reply dated 03.01.2020 against this office SCN dated 20.01.2020 and status of compliance of conditions of last consent to operate & submit inspection report in prescribed format along with monitoring report and comments/ recommendations to enable the State Board to take further action on the pending consent application accordingly.
- 2) Master File.

ec

Sr. Environmental Engineer (HOGM)