

**BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI  
O.A. NO. 426 OF 2022**

**IN THE MATTER OF:**

Dasai Munda & Ors.

... Applicant

Versus

State of Jharkhand & Ors.

... Respondent

**INDEX**

ND0H-05.01.2023

S.NO.	PARTICULARS	PAGE NO
1.	REPLY/ OBJECTIONS ON BEHALF OF RESPONDENT NO. 6- NILACHAL IRON AND POWER LTD. TO THE NGT MANDATED INSPECTION REPORT DATED 11.09.2022 ALONG WITH AFFIDAVIT	1-13
2.	<b>ANNEXURE I</b> DECLARATION DATED 27.01.2021 BY ENVIROTECH EAST PVT LTD.	14
3.	<b>ANNEXURE II</b> PICTURES OF THE WATER SPRINKLERS AND TANKERS ARE ATTACHED HEREWITH	15-18
4.	<b>ANNEXURE III</b> PICTURES SHOWING ROAD LAYING WORK AND COMPLETED ROADS	19-25
5.	<b>ANNEXURE IV</b> PICTURES SHOWING THE NEW PLANTED SAPLINGS	26-28
6.	<b>ANNEXURE V</b> COPY OF THE ENGAGEMENT LETTER DATED 28.09.2022	29
7.	<b>ANNEXURE VI</b> APPOINTMENT DETAILS OF DR. BALWANT KUMAR	30
8.	<b>ANNEXURE VII</b> PICTURES OF SOME SUCH EMPLOYEE SENSITIVITY MEETINGS	31
9.	PROOF OF SERVICE	32

*Ashim*

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NIYATI PATWARDHAN**  
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Place:

Dated: 14.12.2022

**BEFORE THE NATIONAL GREEN TRIBUNAL, PRINCIPAL  
BENCH, NEW DELHI**

O.A. NO. 426 OF 2022

**IN THE MATTER OF:**

Dasai Munda & Ors.

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**REPLY/ OBJECTIONS ON BEHALF OF RESPONDENT NO. 6-  
NILACHAL IRON AND POWER LTD. TO THE NGT MANDATED  
INSPECTION REPORT DATED 11.09.2022**

**MOST RESPECTFULLY SHOWETH:**

**PRELIMINARY OBSERVATIONS/ SUBMISSIONS**

1. The instant objections/ reply is being preferred on behalf of M/s Nilachal Iron and Power Ltd. (hereinafter “Nilachal” or “NIPL”) to the inspection report dated **11<sup>th</sup> September 2022** filed by the NGT mandated Joint Committee constituted Vide order dated 25.01.2022 (hereinafter referred to as The Committee).
2. Prior to answering the report, it would be pertinent to take note of the order dated 25.01.2022 passed by this Hon’ble Tribunal in the present O.A. to appreciate the circumstances under which the inspection committee was constituted and its true objective:

*“...Grievance in the application is against Nilachal Iron and Power Ltd. Ratanpur, Saraikela plant which is operating for the last many years violating environmental norms. Toxic emission from the industry is causing serious health hazard and damage to the crops as well as environment. It is submitted that the construction work of 600 TPD Spongekline and 15 MTX3 Crucible Steel melting shop and CCM is about to start in the above plant without any EC or CTE.*

*Complaints were also made in this regard to Jharkhand State Pollution Control Board but no action has been taken.*

*Having regard to the seriousness of the allegations, it appears necessary to ascertain the factual position in the matter through a joint Committee of the CPCB, State PCB, SEIAA, Jharkhand and the District Magistrate-Saraikela Kharsawan, (Jharkhand). The State PCB will be the Nodal agency for coordination and compliance. The joint Committee may 2 meet within four weeks and undertake site visit and look into the grievance and take remedial action in accordance with law following due process... ”*

3. That from the order, it is evident that the inspection committee was constituted with a two-pronged objective i.e. firstly, to look into the grievance that “*Nilachal Iron and Power Ltd. Ratanpur, Saraikela plant which is operating for the last many years violating environmental norms. Toxic emission from the industry is causing serious health hazard and damage to the crops as well as environment.*” and secondly, that it was *about to start in the above plant without any EC or CTE.*

It is vehemently denied that the Answering Respondent is engaged in any activity which is causing toxic emissions resultantly damaging the crops and the environment. The said allegations are outrageous and are outrightly denied.

4. That in accordance with the orders of this Hon'ble Tribunal, the inspection committee visited the premises of the Answering Respondent. It is submitted that the Answering Respondent cooperated with and assisted in the undertaking of the Committee.

However, it is most relevant to note that despite the best efforts of the Committee they could not locate the Applicant and despite being aware of the orders of this Hon'ble Tribunal the Applicant was conspicuously absent during the inspection proceedings. It is submitted that this is indicative of the fact that the present Application is highly motivated and is an effort to adversely affect the business of the Answering Respondent.

5. That at this juncture it is most relevant to highlight that the Committee has not once stated in its report that the Answering respondent is causing any environment damage whatsoever. Attention of this Ld. Tribunal is drawn to some observations of the Committee that lend to this fact:

*“1....air pollution in and around the factory was visible. Though it was insignificant... number of water sprinklers are placed along side the road and other vulnerable areas...*

*2...Soil test results do not show any significant impact on soils of nearby agricultural fields...”*

That instead of unearthing major infractions on the part of the Answering Respondent, the Committee has come forth with soil test reports which indicate that the soil surrounding the premises of the Answering Respondent is in no manner contaminated and that the Answering Respondent has already installed systems to curb the air pollution caused as a result of industrial operations. In fact the report of the committee in essence only establishes the undeniable fact that no environmental pollution/damage is being caused by the answering respondent.

4

6 That in addition to the observations of environmental impact of the Answering Respondent's operations, the Committee has also dealt with the statutory environmental compliances made by the Answering Respondent particularly in Paragraphs 2 to 6 of its report wherein it has been taken note of the fact that Answering Respondent is running the plant with proper Environmental Clearance (EC) obtained in as far back as 24.12.2009. Subsequent to obtaining the EC, the Answering Respondent also obtained 'Consent to Establish' (CTE) and 'Consent to Operate' which have been put up for renewal. That it has found specific mention in the inspection report that the Answering Respondent has put into motion plans to expand the existing steel plant to an integrated steel plant for which Nilachal engaged with Envirotech East Pvt. Limited dated 27th January 2021 for Environmental Impact Assessment Study for the expansion project, as per the EIA Notification, 2006 and in compliance with the finalized Terms of Reference, issued by Ministry of Environment, Forest & Climate Change (MoEF&CC), Govt. of India vide its letter [**Ref. File No. J-11011/662/2008-IAII(I)**] dated 6th September, 2020. Declaration dated 27.01.2021 by Envirotech East Pvt Ltd. is attached hereto and marked as **ANNEXURE I.**

It is submitted that as noted by the Committee, Application for EC to MoEF has already been made and is under process. Thus, the plant is at present divided into two portions: the existing steel plant and the expanded steel plant. It is most emphatically submitted that the existing steel plant has been operating with proper EC since 2009 itself.

- 5
7. It is put on record that the expanded integrated steel plant has not yet been put into operation and the EC for the expanded plant is awaited and is at an advanced stage (this has also been noted by the Committee and has been elaborated hereunder).
  8. That the committee has also made certain recommendations in conclusion to its report. It is the categoric submission of the Answering Respondent that it has substantially complied with the majority of these recommendations and is in the active process of complying the remaining. It is most respectfully submitted that the Answering Respondent is a professional and environmentally conscientious operator with an intent to comply with all statutory requirements and also go over and above them.

Thus, the Answering Respondent deems it appropriate to take this Ld. Tribunal through the recommendations of the Committee and display its bona fide in having already taken steps to comply with each and every one of them.

#### **REPLY TO THE RECOMMENDATIONS**

1. The Committee's first recommendation is to increase the number of water tankers and sprinklers. It is essential to note that the committee has noted the presence of existing systems in place and has not stated that there is a lack of such systems. It is submitted that at present sprinklers and tankers are operating on the premises of the Answering Respondent, along with improvement of the road infrastructure and covering of stock material including coal

Pictures of the water sprinklers and tankers are attached herewith as **ANNEXURE II**.

2. The Committee in its report has noted that due to the roads being made up of a mix of boulders and loose rocks, a “negligible” amount of air pollution is caused. Thus, it is advised that the roads be made *pucca*. It is submitted that the Answering Respondent took the recommendation into consideration immediately and commenced road laying work. Till the time of filing the present reply/ objections 40% of the internal roads have been laid, specially road from main-gate towards SMS and Rolling area.

Pictures showing road laying work and completed roads are attached herewith as **ANNEXURE III**.

3. In response to recommendation no. 3 it is stated that constant efforts are being made to reduce handling of materials so as to curb air pollution. It is submitted that in addition to the water sprinklers, road laying work and covering of the raw materials, the Answering Respondent has deployed an Air Filtration system worth around 25 crore to reduce air pollutants.

In brief, Nilachal has installed following key dust excretion system's in DRI Plant to control the dust emission in the environment;

- Three “High efficiency Electrostatic Precipitator” (ESP) of 99.9% have been provided for limiting SPM concentration in the flue gas to less than 50 mg/Nm<sup>3</sup> in 2x100 and 350 DRI Plant respectively.

- Similarly, we have installed 02 bag filter in 2x100 and 3 bag filter in 350 for removing the dust contained in the exhaust gases.
- Furthermore, for hot flue gases, we have installed waste heat recovery boiler (WHRB) and use it for power generation.

For controlling fugitive emissions from process units in Nilachal's plant, the following measures have already been put in place. Concreting of roads inside the factory as has been mentioned before.

- Preventive maintenance of valves and other equipment.
- Green belt on all sides within the project boundary, and community plantation around the unit as have been elaborated elsewhere in this Objections/Reply.
- Ambient air quality and stack/fugitive emissions monitored regularly as have been elaborated elsewhere in this Objections/Reply.
- Installation of sprinklers in the high Ground Level Concentration (GLC) Area as have been elaborated elsewhere in this Objections/Reply
- In-plant, training provided to the plant personnel on operation and maintenance of dust collectors, techniques of dust emission measurements, particle size analysis etc.

For control water pollution, Nilachal has installed 50 KLD STP for treatment of administrative sewage waste from all sections of Nilachal's plant. Further, Nilachal is using treated

water in sprinklers for dust suppression on roads, stock yard and material handling area.

Last but not the least, Nilachal has also facilitated and put mechanisms in place for collection of rainfall water in the RHW Pond (rainfall harvesting) for further utilisation in the recharging of Nilachal's plant groundwater.

- 4-5. That the Committee has noted in the report that the company has planted over 900 tree saplings during the monsoon season. However, the Committee has recommended that the green belt be reinforced. It is submitted that the Answering Respondent commenced efforts immediately to adopt this recommendation and has planted around 5000 saplings of trees within the premises and along the boundary.

Furthermore, all spare land has been covered with grass and shrubbery. At present at least 20% of the area has been covered with plantation. Pictures showing the new planted saplings are attached hereto and marked as **ANNEXURE IV**.

- 6-7. It is submitted that the Answering Respondent does monitor the Ambient Air Quality with the help of a third party.

"NIPL's "Ambient Air Quality" was previously monitored by a third-party consultant named ENVIROCHECK. NIPL has engaged USR Enviro for testing of "*Ambient Air, Fugitive Emission, Noise, Groundwater, Surface water and Harvesting Pond*" via an engagement letter dated 28<sup>th</sup> September 2022, and that USR Enviro has engaged a third party consultant by the name of "Asia Enviro Lab" as a sub-consultant to monitor "Ambient Air Quality" for NIPL via a

sub-consultancy agreement between USR Enviro and Asia Enviro Lab dated 28<sup>th</sup> September 2022, with NIPL's consent. Copy of the engagement letter dated 28.09.2022 is attached hereto and marked as **ANNEXURE V**.

The third party consultants gives bi-annual reports on data monitoring as said above, i.e., once in every 6 months. NIPL has complied with the "Environmental Monitoring Plan" formulated and recommended by the third party consultant. A team of approximately 6 members of the third party consultant work on testing and monitoring of "*Ambient Air, Fugitive Emission, Noise, Groundwater, Surface water and Harvesting Pond*".

Dr. Balwant Kumar, Manager (Environments), appointed by Nilachal Iron and Power Limited is currently liaising with the third party consultant and looking into certain other environmental compliances issues. The appointment details of Dr. Balwant Kumar is attached in the **ANNEXURE VI**.

8. It is brought to the attention of this Hon'ble tribunal that the Answering Respondent has a culture of educating its employees and workers in the best practices for environment conservation. It is submitted that the Answering Respondent has provided employment to approximately 1000 no. of locals and residents of nearby villages. Regular meetings and workshops are conducted and often in the mornings, prior to resumption of work a team meeting is called and the practices are discussed.

NIPL has provided around 650 local employments through direct and indirect employment in the year of 2021-2022.

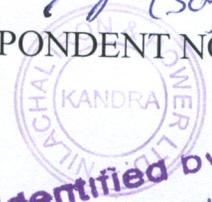
Pictures of some such employee sensitivity meetings are attached hereto and Marked as **ANNEXURE VII**.

9. It is submitted that the Committee in its wisdom has noted that the process of obtaining EC is at an advanced stage and public hearing has already been conducted for the expansion of the plant. It is reiterated that the existing portion of the plant already has all necessary environmental clearances.

9. That in light of the submissions made hereinabove and keeping in view the inspection report of the NGT mandated Committee it is submitted that there is neither any environmental damage being caused by the Answering Respondent nor is there any violation of any environmental norms. The Answering Respondent has been running the Plant with proper clearances since 2009 and these permissions have been renewed from time to time. It is emphasised that the Committee has found no glaring infractions on the part of the Answering Respondent and thus, the present O.A. merits dismissal in light of the same. Further the answering Respondent shall submit necessary undertaking to the effect that all necessary recommendations of the Committee shall be complied in letter and spirit.

*(Sajoy Ghosh)*

RESPONDENT NO. 6



*identified by me  
Kamal Rathi  
Advocate  
(7/12/2022)*

THROUGH

*Ashim Shridhar*

**ASHIM SHRIDHAR &  
NIYATI PATWARDHAN**  
ADVOCATES FOR THE RESPONDENT NO. 6  
B-4/ 227, GROUND FLOOR  
SAFDARJUNG ENCLAVE  
NEW DELHI  
MOBILE - +91-9971547353  
Email: [ashim\\_shridhar@hotmail.com](mailto:ashim_shridhar@hotmail.com)

Place:  
Dated: *14.12.2022*

12

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07/12/2022

**BEFORE THE NATIONAL GREEN TRIBUNAL**  
**PRINCIPAL BENCH, NEW DELHI**  
O.A. NO. 426 OF 2022

**IN THE MATTER OF:**

Dasai Munda & Ors.

... Applicant

Versus

State of Jharkhand & Ors.

... Respondents

Sl. No:- 10185/22  
Date 07.12.2022

**AFFIDAVIT**

I, Sanjoy Ghosh, S/o Sri Santosh Kumar Ghosh aged about 58 years R/o 1A/ 12, S.C. Path, City Center, Durgapur, Barddhaman City Centre, West Bengal- 713216, presently at Kandra, Seraikela Kharsawan, Jharkhand do hereby solemnly affirm and say on oath as follows: -



That I am the Authorised representative of Respondent No. 6 and I am fully conversant with the facts of the case and am thus competent to depose the present affidavit.

That facts stated in the accompanying reply to the inspection report are true and correct to the best of my knowledge and the same may kindly be read as part and parcel of this affidavit which for the purpose of brevity are not reproduced herein.

3. That the accompanying reply to the inspection report has been drafted by my counsel under my instruction and I have perused the contents thereof.

*[Signature]* 07/12/2022  
**Bijay Kr. Kar**  
NOTARY  
SERAIKELLA  
Seraikella-Kharsawan

*[Signature]*  
(Sanjoy Ghosh)

Identified by me  
Kunal Rathi  
EN 791/19  
Advocate  
(7/12/2022)



**VERIFICATION:**

Verified at Seraikella on this 7<sup>th</sup> day of Dec, 2022 that the contents of the above affidavit are true and correct to my knowledge, no part of it is false and nothing material has been concealed therefrom.

Identified by me  
Kumal Rathi  
EN 791/19  
Advocate  
**Bijay Kr. Kar**  
NOTARY  
SERAIKELLA  
Seraikella-Kharsawa

Solemnly affirm and declared before me as  
Sri/Smt... Sanjay G. Ghosh  
Who is identified by Sri... Kumal Rathi  
Advocate Seraikella on this the 07<sup>th</sup>  
day of Dec 2022



Sanjay G. Ghosh  
NOTARY  
SERAIKELLA  
Seraikella-Kharsawa

Identified by me  
Kumal Rathi  
EN 791/19  
Advocate  
(7/12/2022)

## ANNEXURE I

**Envirotech East Pvt. Limited**

An ISO 9001:2015, ISO 14001:2015 & ISO 45001:2018 Certified Company

- Laboratory Recognised by MoEF&CC, Govt. of India
- Laboratory Recognized by WBPCB
- Accredited EIA Consultant by QCI-NABET




100, Kalikapur, Madurdaha, Kolkata – 700 107, West Bengal, India

☎ – + 91 33 2443 8127/8128 ; Fax – + 91 33 2443 8128; email: [eeplkol@gmail.com](mailto:eeplkol@gmail.com); [eeplkol2@gmail.com](mailto:eeplkol2@gmail.com)

CIN NO : U74210WB1989PTC047403

Date:27<sup>th</sup> January 2021

**TO WHOM IT MAY CONCERN**

**Subject:** Proposed expansion of existing steel plant to Integrated Steel Plant through installation of 1800 TPD (3x600 TPD) DRI kilns along with Beneficiation Plant for Iron ore (1X0.6 MTPA), Pellet Plant (1x0.6 MTPA), Steel Melting Shop (2x25 T + 4x15 T Induction Furnaces) with matching LRF & CCM, Rolling Mill (0.35 MTPA), Ferro alloy Plant (4x16.5 MVA), Briquette plant for Chrome Ore (1x30 TPH), Oxygen plant (100 TPD) and 82 MW (57 MW WHRB based + 25 MW AFBC based) Captive Power Plant at Ratanpur-Kandra Village, Gamharia Block, District Saraikela-Kharsawan, Jharkhand **by M/s Nilachal Iron & Power Ltd.**

**Refer:** File No. J-11011/662/2008-IAII(I) dated 6<sup>th</sup> September, 2020

We do hereby declared that we, M/s Envirotech East Pvt. Ltd. have undertaken the Environmental Impact Assessment Study for the subject job, as per the EIA Notification, 2006 and in compliance with the finalized Terms of Reference, issued by Ministry of Environment, Forest & Climate Change (MoEF&CC), Govt. of India vide its letter [Ref. **File No. J-11011/662/2008-IAII(I)**] dated 6<sup>th</sup> September, 2020. The prescribed TORs have been complied with and that the data submitted is factually correct.

For **Envirotech East Pvt. Ltd.**

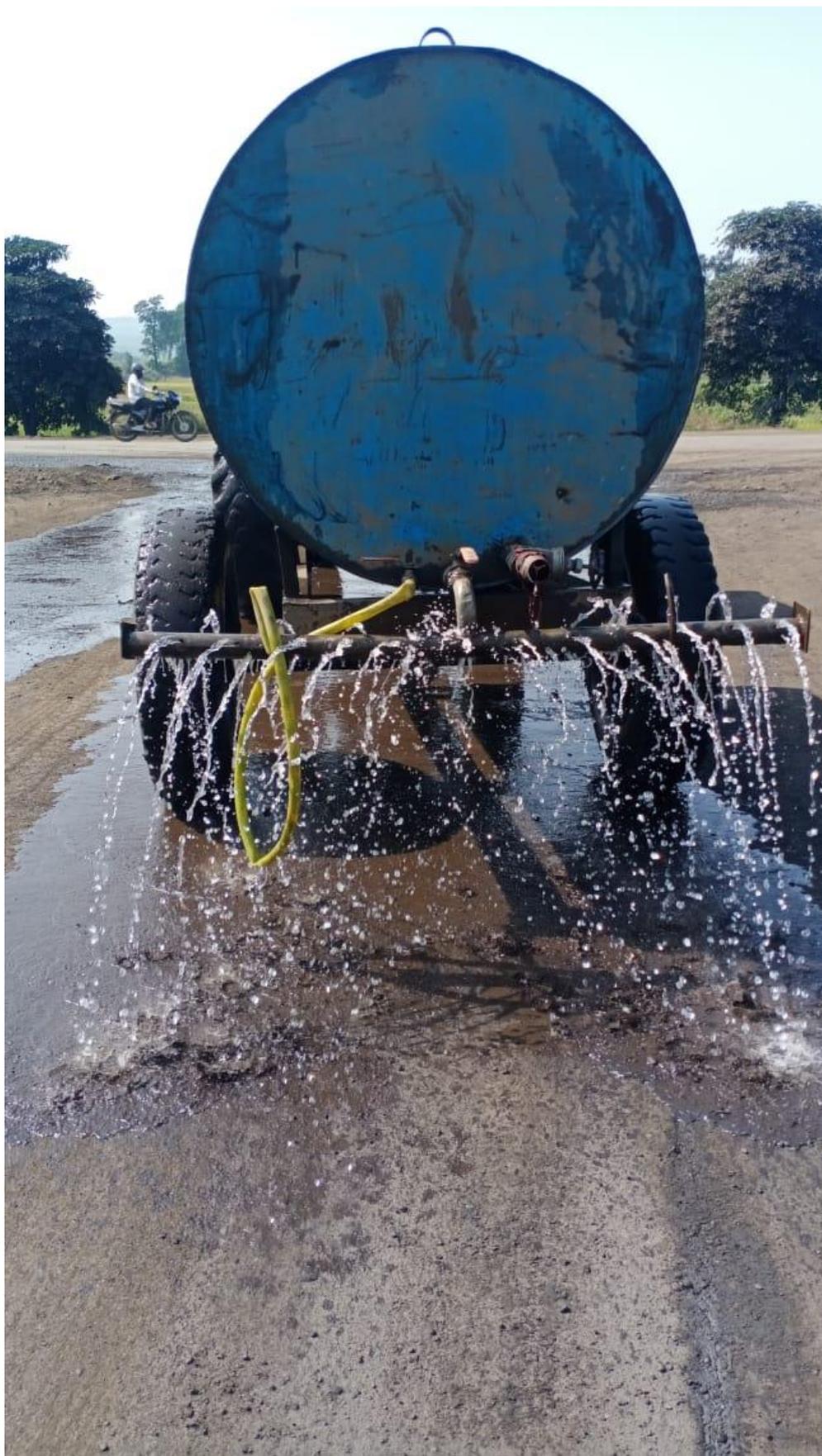


**(Asoke Kumar Banerjee)**  
CEO























ANNEXURE IV

Plantation in the Proximity of Water Tank



Plantation in the Proximity of Gate No. 03



Plantation in the Proximity of Coal Yard



Plantation in the Proximity of Tower



**Plantation in the Proximity Rolling Mill**



**Plantation in the Proximity Greenbelt Area**





## ANNEXURE VI

# NILACHAL IRON & POWER LIMITED



CIN-U27100WB2002PLC094612

Works : Ratanpur, Kandra Chandil Road,  
Saraikela - Kharsawan, Jharkhand - 832402 (India)  
Phone : 7091099239, 7091095130  
E-mail : nilachaltata@gmail.com  
E-mail : admin@nilachal.co.in  
GSTIN : 20AABCN5428K1ZN

Ref: HR/NIPL/LOI/ADMIN/0352

Mr. Balwant Kumar

House No. 21, Girish Vidya Ratna Lane,

Dist:-Kolkata, (West Bengal), Pin:-700009.

Date: 17.10.2022

### Sub: Letter of Intent

**Mr. Balwant Kumar**

This has reference to the interview you had with us and the discussion held thereafter. We are pleased to offer you the position of "Manager - Environment" in our organization on the terms mutually discussed and agreed. You are requested to make yourself available to join with us on 10<sup>th</sup> November, 2022 at Nilachal Iron & Power Limited. Kolkata/ Jamshedpur.

The appointment letter will be issued to you after your joining.

You are also advised to furnish us the following documents at the time of your joining:

1. Photocopy of age proof certificate.
2. Photocopy of blood group certificate.
3. Medical fitness certificates from Govt. registered doctor.
4. Photocopy of certificates in support of your Qualifications (academic and prof.)
5. Photocopy of all proof of working experience certificate
6. Two copies of passport size photograph.
7. Last month Pay Slip.
8. Residential address proof.
9. Resume in details.
10. Resignation Acceptance copy (Last Employer)

Please confirm your acceptance by returning the duplicate copy of this letter duly signed.

With best wishes,

  
Rajib Mukherjee  
HR & Admin - Head-Corporate

#### Declaration:-

I have read and understood the above terms and conditions of my Letter of Intent Ref: HR/NIPL/LOI/ADMIN/0352 dated 17.10.2022 and have signed every page of the second copy of the aforesaid Letter of Intent as a token of acceptance the terms and conditions.

Place:-

Dated:-

  
Signature

ANNEXURE VII

General Workshop and Training Inside Plant





Ashim Shridhar &lt;chamberashimshridhar@gmail.com&gt;

**SERVICE: O.A. 426 of 2022; Dasai Mundai & Ors vs State of Jharkhand & Ors.**

1 message

**Ashim Shridhar** <chamberashimshridhar@gmail.com>

Wed, Dec 14, 2022 at 2:55 PM

To: ranchijspcb@gmail.com

Bcc: ashim &lt;ashim\_shridhar@hotmail.com&gt;

Sir

Attached herewith is a copy of the reply to the O.A. 426 of 2022 and reply to the inspection report filed by the NGT inspection committee, on behalf of Nilachal Iron and Power Ltd.

Regards

 [Dasai Munda- reply to OA.pdf](#) [Dasai Mundareply to inspection report.pdf](#)

--

**Ashim Shridhar****Advocate****Chamber of Ashim Shridhar**

B-4/227, Safdarjung Enclave, New Delhi- 110029

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