

**BEFORE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH AT NEW DELHI
APPEAL NO. 28 & 29 OF 2022**

IN THE MATTER OF:

Rathi Special Steels Limited

... Appellant

Versus

Commission for Air Quality Management
in NCR and Adjoining Area & Ors

... Respondents

I N D E X

S NO	Particulars	Page Nos
1.	Written Arguments on behalf of Appellant	1 - 17
2.	Letter dated 24.12.2020 issued by RSPCB	18
3.	Letter dated 02.02.2021 issued by Appellant in response to Letter dated 24.12.2020	19 - 20
4.	Letter dated 17.06.2021 issued by Appellant	21 - 22
5.	Letter dated 06.07.2021 issued by RSPCB	23 - 24
6.	Letter dated 20.07.2021 issued by Appellant	25 - 26
7.	Letter dated 16.08.2021 issued by RSPCB	27 - 28
8.	Letter dated 28.08.2021 issued by Appellant	29 - 30
9.	Letter dated 15.09.2021 issued by Appellant	31 - 32
10.	Application dated 26.03.2019 submitted by Appellant for Natural Gas	33 - 47
11.	Proof of Service	48

FILED BY:



ANAND SHANKAR JHA

Advocate for the Appellant

Date: 23.06.2022

Place: New Delhi

**BEFORE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH AT NEW DELHI
APPEAL NO. 28 & 29 OF 2022**

IN THE MATTER OF:

Rathi Special Steels Limited

... Appellant

Versus

Commission for Air Quality Management
in NCR and Adjoining Area & Ors

... Respondents

WRITTEN ARGUMENTS ON BEHALF OF APPELLANT

1. This Appeal is filed against the Final Order dated 05.05.2022 (Annexure A/14) passed by the Respondent No. 1 Commission *inter alia* directing closure of the unit of the Appellant with immediate effect. The Original Closure Order dated 21.01.2022 (Annexure A/4) is under challenge in Appeal No. 28 of 2022.
2. The Original Closure Order was Impugned vide Appeal No. 04 of 2022 (renumbered as Appeal No. 28 of 2022). This Hon'ble Tribunal (Central Zone) vide its Order dated 29.03.2022 (Annexure A/8) was pleased to direct the Respondent No. 1 *to take a decision on the stand of the Appellant in accordance with law.*
3. It is only while issuing the reasons vide Order dated 05.05.2022, that the issue relating to not obtaining Environmental Clearance (EC) under EIA Notification 2006 has been made a ground. This amounts to *travelling beyond the scope of show cause of Closure Order dated 21.01.2022.* This is a fundamental error in the Impugned Order dated 05.05.2022.
4. The Impugned Orders dated 05.05.2022 and 21.01.2022 are both liable to be set aside for the following reasons:

A. Adjudicating Authority (R-1) cannot travel beyond the Show Cause Notice/ Original Closure Order while passing Final Order.

5. It is settled law that a Show Cause Notice must clearly and specifically allege the violations and the resultant consequences thereof. It is equally trite law that an Adjudicating Authority cannot travel beyond the scope of show cause notice (in this case Original Closure Notice). In the present matter, Original Closure Order dated 21.01.2022 (Annexure A/4) only alleged two counts of violations i.e. breach of Commission's Directive No. 49 and running the unit even after expiry of Consent to Operate (CTO) which expired on 31.07.2021. The Inspection report dated 17.01.2022 (Annexure A/10) (furnished on 18.04.2022 did not report any finding regarding applicability of Environmental Clearance (EC) under EIA Notification 2006.
6. No specific notice was issued at any juncture for not having a valid EC. While passing reasons to justify the closure, the Respondent No. 1 Commission has travelled beyond its Original Closure Order dated 21.01.2022. It has manufactured a new ground to justify closure. No specific notice regarding EC has ever been issued to the Appellant.
7. The findings regarding EC was a mere afterthought on the part of Commission to justify its closure order dated 21.01.2022. As this exercise was done without any show cause or specific notice, the Impugned Order dated 05.05.2022 deserves to be set aside.

B. No Clarity regarding applicability of Environmental Clearance on Hot Rolling Mills till 13.04.2022

8. The Appellant has been running its Hot Re-rolling Mill since year 2007. The EIA Notification came in effect in September 2006. There

was never any requirement in place regarding applicability of EIA Notification to the nature of Hot Re-rolling activity (and thresholds) carried on by the Appellant. For this reason alone, the latest Consent to operate (CTO) was issued under the provisions of Water Act and Air Act on 21.06.2018 valid uptill 31.07.2021.

9. This position would be clear from a perusal of a few correspondences which are as follows:

- (a) **13.12.2010 (Page 203-204):** This is a letter issued by MoEF specifically clarifying in Para 4 & 5 that Secondary Metallurgical Processing Industrial Unit involving operation of Re-heating furnace does not attract the provisions of EIA notification.
- (b) **04.12.2018 (Page 205-206):** This is a letter issued by Central Pollution Control Board (CPCB) to the Impact Assessment Division of MoEF & CC (*in respect of a clarification sought by Chhattisgarh Steel Re-Rollers Association*), wherein it was clarified that the stand alone steel re-rolling mill does not appear to be covered under EC Notification, which is applicable on primary and secondary metallurgical processing unit.
- (c) **14.08.2019 (Pg. 234) –** A clarification was issued by MoEF to the Chairman, State EIA Authority Chhattisgarh advising that requirement of EC is applicable only for given type of furnaces with production capacity of more than 30,000 TPA. However, there was no threshold for the Re-Heating Furnaces.
- (d) **12.02.2020 (Page 207-214):** Hon'ble NGT passed a Judgment dated 12.02.2020 in the matter of *Gajubha Jesar Jadeja vs Union of India*. This Judgment was applicable in

respect of mills producing Cold Rolled Coils (CRC) and it was directed as follows:

“12. It would appear from the sequence of events that the position that subsisted earlier in respect of Cold Rolled Coils (CRC) of stainless steel was quite obscure as it was not clear as to whether such activity would require environmental clearance under the EIA Notification 2006. The MoEF upon consideration of the expert opinion appears to have now clarified that such industry do require prior environmental clearance but, having regard to the fact that there were a large number of such mills operating on the strength of CTE and CTO, opportunity should be provided to such units to fall within the EC regime by granting a period of atleast one year to operate for the purpose.”

- (e) **22.10.2020 (Page 216-217):** This communication was issued pursuant to the aforementioned Judgment of Hon'ble NGT in *Gajubha Jesar Jadeja Vs Union of India*. In this correspondence, it was clearly admitted by MoEF in Para 2 that there is a further need for clarifying if EIA notification is applicable only to Cold Rolling or to all Re-rolling Mills.

The first step to begin implementation of NGT Order in *Gajubha Jaser Jadeja* started only on 22.10.2020, 8 months after the Order, when a list of all industries requiring EC was sought by MoEF from all Pollution Control Boards.

- (f) **24.12.2020 (Annexure A/20):** RSPCB issued a Letter to the Appellant stating that the Appellant has to take EC, if applicable. A reply to this was submitted by the Appellant on 02.02.2021 stating that requirement of EC and the Judgement of NGT was only applicable for cold rolling mills

and not the Appellant, which is a *hot rolling mill* (**Letter dated 02.02.2021 is enclosed**).

- (g) Further, a Letter dated 17.06.2021 was submitted by the Appellant stating that requirement of EC is not applicable. (**Letter dated 17.06.2021 is enclosed**).
- (h) **06.07.2021 & 20.07.2021** – RSPCB issued another Letter to obtain EC. The Appellant submitted another reply stating that requirement of EC is not applicable. Till date the application for CTO renewal or the reply submitted by the Appellant has not been rejected by RSPCB. (**Letter dated 17.06.2021 is enclosed**).
- (i) **16.08.2022 and Reply dated 28.08.2021** – On 16.08.2021 RSPCB issued another mechanical reminder seeking EC to be furnished. In response, on 28.08.2021, Appellant referred to its earlier replies dated 20.07.2021, 17.06.2021 and submitted that the requirement of EC is not applicable to them. (**Letter dated 16.08.2022 and Reply dated 28.08.2021 are enclosed**)
- (j) **08.03.2022 (Annexure A/21)**: A representation was filed by Bhiwadi Rolling Mills Association seeking clarification regarding applicability of Hon'ble NGT's Order to all Re-Rolling Mills.
- (k) **23.02.2022 (Annexure A/22 - 235-236)**: There was still lack of clarity regarding applicability of EC on all Rolling Mills. It was specifically pointed out that the Respondent No. 1 Commission has withdrawn all closure directions except one unit i.e. of the Appellant. It was also mentioned that there is a

lot of confusion amongst operators of Re-heating furnaces and rolling operations about applicability to obtain EC. When the regulator of the Appellant i.e. RSPCB itself was unclear, there is no basis to insist on prior EC.

(1) **13.04.2022 (Page 238-239):** It is only on 13.04.2022 that the applicability of EIA Notification 2006 was clarified by MoEF & CC to RSPCB. In Para 2 and 4 it was clarified that even a Hot Re-rolling Mill shall attract the provisions of EIA.

10. In view of the aforementioned correspondences it would be clear that applicability of requirement of EC was authoritatively clarified only on 13.04.2022 (**Page 238-239**) by the MoEF & CC. Appellant is entitled to parity of treatment as was granted to all Cold Re-rolling Mills (vide order dated 12.02.2022 Para No. 12) of one year from 13.04.2022 to ensure this compliance.

11. It is worth mentioning in the list of industries furnished by RSPCB vide affidavit 20.06.2022, the industries described at Serial No. 2, 3, 4, 5, 7, 17, 25, 27 have applied for EC on or after January 2021 have not yet obtained EC till date. Appellant has also now applied for EC, and thus the Appellant should also be allowed to run its operations pending EC. This submission is without prejudice to the objection that Appellant's unit does not meet the threshold for obtaining an EC under the EIA Notification.

D. The Order of Closure amounts to penalty greater than that is prescribed under the law in force.

12. It is basic tenet of law that *no person shall be subjected to a penalty greater than that which might have been inflicted under the law in force.* The Respondent No. 1 Commission has already decided and collected the maximum permissible penalty for the alleged violation

of running the unit on days earmarked for keeping the Unit inoperative (Directive No. 49).

13. On 02.02.2022 (Page No. 111) Respondent No. 1 has already (without even issuance of Show Cause) decided to impose a heavy penalty / Environmental Compensation on the Appellants Unit. The relevant portion of Order dated 02.02.2022 issued by the Respondent No. 1 Commission reads as follows:

*“2. The penalty for gross violation of statutory Directions of the Commission, (including direction no. 49) needs to be seen as deterrent against non-compliance of the statutory directions of the Commission and to be recovered from the defaulting units/ entities **before permitting them to resume operations.***

*3. In view of the above all SPCBs / DPCC are required to impose and collect a suitable amount of EC by appropriately revising the ‘R’ factor and calculating ‘N’ factor in the EC formula of CPCB based on the number of days of actual violation of direction No. 49 of the Commission besides the number of days of operation **before the unit closed its operation** pursuant to the closure direction of the commission”*

This Order clearly mentioned that resumption of operation shall be allowed after payment of compensation. Once the Compensation has been paid and accepted, it is now not open for Respondent No. 1 to continue closure on same ground.

14. On 07.02.2022 (**Page 112-113**) a detailed order was passed by RSPCB deciding the penalty for running the unit with an expired CTO and violation of Directive No. 49. It is clearly mentioned in Para 9 of the Order dated 07.02.2022 that a cumulative penalty of Rs. 2,41,875/- was imposed under Section 33A of Water Act and Section 31A of Air Act. This has been paid & acknowledged (**Pg. 114 – 116**).

E. Renewal Application for CTO well within time AND “Deemed Consent”.

15. The Consent to Operate (CTO) is issued by RSPCB under Section 25 / 26 of Water Act and Section 21 of Air Act. On 21.06.2018, the last Consent to Operate (CTO) was issued in favour of the Appellant, valid uptill 31.07.2021.
16. The Application for renewal of CTO, complete in all respects, was submitted on 10.03.2021 (Page 74 - 92). The application was done more than 3 months before the due date of expiry. Till date the Application for CTO has not been rejected. In these circumstances, the Appellant is entitled for “Deemed Consent” as provided under Section 25(7) of the Water Act and Section 21(1) of the Air Act.
17. Even if it is assumed that the Appellant cannot be given the benefit of “Deemed Consent”, it must be noted that the said consent was not being issued under the confusion of applicability of EC under EIA regime. This position is admitted by the RSPCB in its Letter dated 23.02.2022 issued to the Respondent No. 1. (**Page 235-236**)
18. The Appellant cannot be faulted for delay in grant of CTO (applied more than 140 days before its expiry) for the time taken by Rajasthan State Pollution Control Board in issuance of the Consent. Besides this, the entire Environmental Compensation for alleged violation has already been collected.

F. Closure Order is not justified for alleged violation of Directive No. 49

19. On 15.12.2021, a directive was issued by Respondent No. 1 regarding not keeping the Industrial Units in NCR “operative” for two days a week. As per Clause 12(c) of Directive dated 15.12.2021

(Pg 52-55 of Counter Affidavit in Appeal No. 04 of 2022), the Appellant's Unit was to be kept inoperative on Thursdays and Fridays.

20. Clause 12(i) and (ii) provide for "Closure". On the other hand Clause 12(iii) provides for keeping the unit "inoperative", meaning thereby, there was no impediment on carrying on trial testing and maintenance activities. The Closure Order dated 21.01.2022 was passed without sharing a copy of Investigation Report or even a Show Cause Notice. No material was placed for rebuttal of Appellant alleging *manufacturing being carried out in the unit*. The investigation report dated 17.01.2022 (furnished on 18.04.2022) did not give any finding regarding EC.
21. In the later reasons supplied vide order dated 05.05.2022 (*in Para No. 25*) some inferences have been drawn by the inspection team on the basis of electricity consumption data acquired through Jaipur Vidyut Vitran Nigam Limited. An inference has been drawn on the basis of electricity consumption alleging that manufacturing process was undertaken on the days earmarked for keeping the unit "inoperative". This data was never given under a specific show cause to the Appellant till date. The Appellant was never confronted with this question vide the closure order dated 21.01.2022. The Respondent No. 1 ought to have appreciated that Re-heating furnaces require maintenance to be carried out from time to time and the directive no. 49 (Clause 12(iii)) had only prohibited manufacturing and not *trial and testing activities* on the days earmarked for closure.
22. Nevertheless, no further consequences can be imposed for alleged violation of Directive No. 49 as the compensation (Maximum penalty) imposable has already been paid on 07.02.2022. After

having collected the penalty (Environmental Compensation) there is no basis to continue with the Closure Order.

G. Thresholds under EIA Notification, 2006 (amended to date) not applicable to the Appellant

23. The EIA Notification was introduced on 14.09.2006, placing a requirement of prior environmental clearance on a number of sectors. The EIA Notification 2006 (as amended) did not provide for any definition of “Secondary Metallurgical Processes” and this resulted in uncertainty regarding applicability of EIA to re-rolling mills.
24. Even if it is assumed that the works done by Appellant (re-rolling) amounts to Secondary Metallurgical Processes, applicable Clause 3(a) provides for thresholds regarding requirement of prior EC. Clause 5(2) which provides the general conditions for applicability which are as follows:

Project or Activity		Category with Threshold		
		A	B	Conditions if any
3		Material Production		
1	2	3	4	5
3(a)	Metallurgical Industries (ferrous & non ferrous)	a) Primary metallurgical industry All Projects b) Sponge Iron manufacturing > 200 TDP c) Secondary Metallurgical	Sponge Iron manufacturing <200 TDP Secondary Metallurgical processing industry i) All toxic and heavy metal producing <20,000	Central conditions shall apply note: i) the recycling industrial units registered under the HSM Rules, are exempted. ii) <u>In case of secondary metallurgical processing industrial units, those projects involving operation of furnaces, only such</u>

		processing industry	tonnes / annum	as induction and electric arc furnaces, submerged arc furnace and cupola with capacity more than 30000 tonnes per Annum (TPA) would requirement environment clearance.
		All toxic and heavy metal producing > 20,000 tonnes / annum	ii) All other non toxic secondary metallurgical processing industries >5000 tonnes/ annum	iii) Plants/ units other than power plant (given against entry no. 1(d) of the schedule) based on municipal solid waste (non hazardous) are exempted.

25. As per the thresholds provided under the EIA Notification 2006, only such induction furnaces with capacity of more than 30,000 tonnes per annum (TPA). Thus, from the aforesaid notification, it is clear that the requirement for obtaining EC was never applicable to the Appellant, which admittedly has the capacity of its Induction Furnace 27,000 tonnes per annum. The capacity of Appellants unit is recorded as 27,000 tonnes per annum under Clause 7 of the Consent to Operate dated 21.06.2018 (Page 51 of Appeal).
26. Further perusal of the Column No. 5 of the Clause 5(2) of the Notification, it is relevant to note that the word used is “*Secondary Metallurgical Industry Processing unit those project involving operation of furnaces only such as induction and electric arc furnace, submerged arc furnace and cupola furnace*”. The Re-heating Furnace for heating MS ingots/ bullets neither included in the notification nor the same intended to include under the Secondary Metallurgical Industry in as much as CPCB in its letter dated 13.12.2010 (*relevant Para 5 Page 203-204*).

27. This specific objection regarding Appellant's business not falling within threshold was taken in Para 12(g) to 12(h) of the written representation submitted before the Respondent No. 1 pursuant to NGT's Order dated 29.03.2022. The Commission although has noted the submission to non applicability of thresholds in Para 17(6) of Impugned Order, no finding has been given regarding non applicability of thresholds under Clause 3(a) of Schedule to EIA Notification 2006. The Impugned Order is liable to be set aside on this ground alone.

H. Impugned Order is in Violation of law laid down by the Hon'ble Supreme Court

28. The Impugned Orders are in egregious breach of the law laid down by Hon'ble Supreme Court in *M/s Pahwa Plastics Private Limited Vs. Dastak NGO NGO* – Civil Appeal No. 4791 of 2021 (decided on 25.03.2022), which are as follows:

“57. The 1986 Act does not prohibit ex post facto Environmental Clearance. Grant of ex post facto EC in accordance with law, in strict compliance with Rules, Regulations, Notifications and/or applicable orders, in appropriate cases, where the projects are in compliance with, or can be made to comply with environment norms, is in our view not impermissible. The Court cannot be oblivious to the economy or the need to protect the livelihood of hundreds of employees and others employed in the project and others dependent on the project, if such projects comply with environmental norms.

60. Even though this Court deprecated ex post facto clearances, in Alembic Pharmaceuticals Ltd. (supra), this Court did not direct closure of the units concerned but explored measures to control the damage caused by the industrial units. This Court held:-

“However, since the expansion has been undertaken and the industry has been functioning, we do not deem

it appropriate to order closure of the entire plant as directed by the High Court.”

64. The question in this case is, whether a unit contributing to the economy of the country and providing livelihood to hundreds of people, which has been set up pursuant to requisite approvals from the concerned statutory authorities, and has applied for ex post facto EC, should be closed down for the technical irregularity of want of prior environmental clearance, pending the issuance of EC, even though it may not cause pollution and/or may be found to comply with the required norms. The answer to the aforesaid question has to be in the negative, more so when the HSPCB was itself under the misconception that no environment clearance was required for the units in question. HSPCB has in its counter affidavit before the NGT clearly stated that a decision was taken to regularize units such as the Apcolite Yamuna Nagar and Pahwa Yamuna Nagar Units, since requisite approvals had been granted to those units, by the concerned authorities on the misconception that no EC was required.

65. It is reiterated that the 1986 Act does not prohibit ex post facto EC. Some relaxations and even grant of ex post facto EC in accordance with law, in strict compliance with Rules, Regulations, Notifications and/or applicable orders, in appropriate cases, where the projects are in compliance with environment norms, is not impermissible. As observed by this Court in *Electrosteel Steels Limited (supra)*, this Court cannot be oblivious to the economy or the need to protect the livelihood of hundreds of employees and others employed in the units and dependent on the units in their survival.

66. Ex post facto EC should not ordinarily be granted, and certainly not for the asking. At the same time ex post facto clearances and/or approvals cannot be declined with pedantic rigidity, regardless of the consequences of stopping the operations. This Court is of the view that the NGT erred in law in directing that the units cannot be allowed to function till compliance of the statutory mandate.”

29. Further, it is also relevant to place reliance on the observations of the Hon'ble Apex Court in the matter of *Electrosteel Steels Limited Vs Union of India* – Civil Appeal Nos. 7576-7577 of 2021 (decided on 09.12.2021), which are as follows:

82. The question is whether an establishment contributing to the economy of the country and providing livelihood to hundreds of people should be closed down for the technical irregularity of shifting its site without prior environmental clearance, without opportunity to the establishment to regularize its operation by obtaining the requisite clearances and permissions, even though the establishment may not otherwise be violating pollution laws, or the pollution, if any, can conveniently and effectively be checked. The answer has to be in the negative.

...

95. The appeals are allowed. The impugned order is set aside. The Respondent No.1 shall take a decision on the application of the Appellant for revised EC in accordance with law, within three months from date. Pending such decision, the operation of the steel plant shall not be interfered with on the ground of want of EC, FC, CTE or CTO."

30. This Hon'ble Tribunal vide its Order dated 29.03.2022 had only directed the Respondent No. 1 to hear and give reasons for Closure Order dated 21.01.2022. It was not a *carte blanche* **to manufacture new grounds to justify closure** (such as Environmental Clearance under EIA) which has been purportedly done. Besides, once the adequate and deterrent penalty has already been imposed and paid for both counts of alleged violations mentioned in *Closure Order dated 21.01.2022* (and accepted by Respondents), it is not open for them to continue with closure of Appellants Unit.

I. Order passed by Air Commission amounts to selectively targeting the Appellant

28. The confusion regarding applicability of EC was all pervasive amongst the re-rolling mills across Rajasthan. This has been admitted by RSPCB in its Letter dated 23.02.2022 written to Air Commission.

29. The Respondent No. 1 Commission has selectively taken action against the Appellant, despite the fact that its emissions (SO₂ and NO₂) have always been within the limits. As per Directive No. 53, 62, 63 and 64 all the industries in NCR still have time till 31 December 2022 to shift to cleaner fuels.
30. It must be noted that in the course of hearing, RSPCB filed an affidavit dated 20 June 2022 giving a list of several re-rolling mills **(Annexure R2/1)** in Rajasthan who have till date not applied for EC. Despite this Respondent No. 1 and 2 have never taken any steps against them. This conduct is discriminatory and arbitrary.
31. Upon perusal of Affidavit dated 20.06.2022 filed by RSPCB it would be clear that the CTO of the unit describe at serial No.4, 18, 22, 26, 30 were renewed after the NGTs judgment dated 12.02.2020 in the matter of *Gajubha Jesar Jadeja* without insisting for EC, yet the CTO of the Appellant was kept pending for want of EC. The unit describe at serial no. 18, 22, 26 and 30 from the above list even have not even applied for EC till date. The treatment with the appellant by both the respondent 1 and 2 was clearly discriminatory on both the counts regarding issue of renewed CTO and closure of Appellant.

Undertaking given to the Court by Ld. Senior Counsel for Appellant

32. These appeals were finally heard on 17 June and 21 June 2022. In the course of hearing, Ld. Members sought a clarification, as to what steps are being taken by Appellant to shift to cleaner sources of fuel. In response, following are being submitted for consideration of Hon'ble Tribunal:

- (a) The Air Commission vide Directive No. 53, 62, 63 and 64 have given time till 31.12.2022 to all industries to shift to cleaner fuel.
 - (b) The appellant filed an application dated 25.03.2019 to Haryana City Gas Distribution Ltd, duly acknowledged on 25.03.2019 itself. This copy of the said application was also submitted to Regional Office of RSPCB, Bhiwadi as per their acknowledgment dated 29.03.2019. Copy of Acknowledged Letter dated 25.03.2019 and 29.03.2019 are enclosed herein.
 - (c) An undertaking was given before Hon'ble Tribunal stating that the appellant is undertaking to totally stop using coal within 8 weeks and thereafter shall run its Re-heating Furnace when cleaner fuel (like PNG) will be connected to its factory and running its induction furnace on electricity only. It is prayed that the undertaking be accepted and appellant be permitted to resume its operation, so that it can effectively shift to electricity/ cleaner fuel (in place of coal) within 8 week.
33. There are more than 300 workers employed by the Appellant. Life and livelihood of hundreds of families are at stake due to this closure order. The Impugned Order, if not set aside, shall result in civil death of the Appellant Company, in a matter of few weeks.
34. That by way of abundant caution and to obviate any further allegations of violation, the Appellant has already applied for Environmental Clearance (EC) vide application dated 10.05.2022. Acknowledgement of complete application was received by Appellant on 10.06.2022. EAC meeting has been held on 13.06.2022 already. Terms of Reference have been issued **(Enclosed)**.

35. The intent of Appellant is to remain fully compliant of all environmental norms. It is only because of lack of clarity and confusion regarding applicability of EC, that the same could not be applied (by the vast majority of re-rolling mills of Rajasthan). This would be clear from Letter dated 23.02.2022 issued by RSPCB to Respondent No. 1. A selective action taken against Appellant is also ex-facie illegal and arbitrary.
36. In view of the aforesaid submissions, the Impugned Order be set aside and the Appellant be allowed to resume its operations.

FILED BY:



ANAND SHANKAR JHA
Advocate for the Appellant

Date: 23.06.2022

Place: New Delhi



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

188 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, RIA, 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,

(Rajesh Mahnot)

Sr. Environmental Engineer (HOGM)

Copy to the following:-

Regional Officer, Rajasthan State Pollution Control Board, Bhiwadi.

Sr. Environmental Engineer (HOGM)



RATHI SPECIAL STEELS LIMITED

Regd. Office : A-24/8, Mohan Co-operative Industrial Estate, New Delhi-110044
 Web: www.rathisteels.com, E-mail : rathibars@hotmail.com,
 Ph.: +91-11-42760373,
 CIN No: U27109DL2004PLC125653

02.02.2021

To,
 Sr. Environmental Engineer (HOGM)
 Rajasthan State Pollution Control Board
 Headquarter, 4,
 Institutional Area, JhalanaDoongri
 Jaipur – 302004

Re: Letter dated 24.12.2020 bearing no. F-Tech/RPCB/HOGM/Gen-796/988-989

Dear Sir,

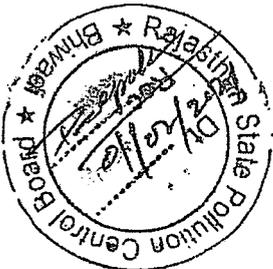
Vide the captioned letter we have been directed to apply for Environmental Clearance under EIA Notification 2006, *if the same is applicable* to us. We humbly wish to clarify that the said EIA Notification 2006 is admittedly not applicable to us, therefore we are not required to obtain the Environmental Clearance under EIA Notification 2006.

At the outset, it may be noted that our Company is not a cold rolling mill. Rather for the manufacture of Mild Steel TMT Bars, our Company uses a reheating furnace. It may specifically be noted that the furnace in our Company is not an induction and electric arc furnace, or submerged arc furnace or cupola furnace with capacity of more than 30,000 tones/annum. In the background of the process used in our Company, the following may be noted:

- i) The MoEF letter dated 22.10.2020 on basis of which your captioned letter dated 24.12.2020 was sent to us, is based on the order dated 12.02.2020 passed by the Hon'ble National Green Tribunal in the matter of GajubhaJesarJadeja v Union of India &Ors. in OA/55/2019(WZ). This is evident from the MoEF letter dated 22.10.2020 and the order of the Hon'ble NGT in the aforesaid matter which were enclosed with your captioned letter dated 24.12.2020.

A bare perusal of the order of Hon'ble NGT dated 12.02.2020 would make it clear that the same is only in the context of 'cold rolling mills', as the company in the said case was a manufacturer of cold rolled coils of stainless steel. The Hon'ble NGT order was based on the MoEF clarification that cold rolling mills require prior Environmental Clearance. Para 12 of the said order of the Hon'ble NGT clarifies this aspect and the same is set out hereunder for ready reference:

"12. It would appear from the sequence of events that the position that subsisted earlier in respect of Cold Rolled Coils (CRC) of stainless steel was quite obscure as it was not clear as to whether such activity would require environmental clearance under the EIA notification, 2006. The MoEF upon consideration of the expert opinion appears to have now clarified that such industry do require prior environmental clearance but, having regard to the fact that there were a large number of such mills operating on the strength of CTE and CTO, opportunity should be provide to such units to fall within the EC regime by granting a period of at least one year to operate for the purpose."



- ii) As far as our unit is concerned, it involves operation of reheating furnace for processing of billets and ingots into Mild Steel TMT Bars. The MoEF has already clarified that such furnaces are not covered by the provisions of EIA Notification 2006 and therefore do not require Environmental Clearance thereunder. This clarification was issued by the MoEF vide its letter dated 13.12.2010 bearing F. No. J-11011/326/2010-IA-II (I) to the Director of M/s Salsan Steels Pvt Ltd. in Jalandhar, Punjab. We are enclosing herewith the aforesaid letter of MoEF dated 13.12.2010. For your ready reference para 5 of the said letter is set out hereunder:

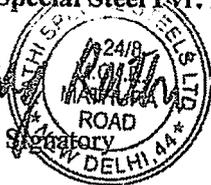
"5. In view of the above secondary metallurgical processing industrial unit involving operation of re-heating furnace does not attract the provisions of EIA Notification, 2006, as amended on 1st December, 2009. However, you may obtain necessary clearance under the Air and Water Acts and Hazardous Waste (Management, Handling and Transboundary Movement) Rules, 2008 as may be applicable in this case"

For the aforesaid reasons the EIA Notification 2006 is admittedly not applicable to our Company. You may kindly take our clarification on record.

Thanking You,
Yours Sincerely,

For Rathi Special Steel Pvt. Ltd.

Authorised Signatory



cc: Regional Officer, Rajasthan State Pollution Control Board, Bhiwadi

Rathi Special Steels Limited

Dt. 17-06-2021

To,
The Member Secretary,
Rajasthan State Pollution Control Board,
Jaipur.

Sub: The Hon'ble NGT's Order dated 12-2-2020, on the OA No. 55/2019(WZ) in the Matter of GajubhaJesarJadejaVs Union of India and Others by the Re-Rolling/Cold Rolling Mills

Ref: (i) Your letter No F-Tech/RPCB/HOGM/Gen-796/988-989 Dated 24-12-2020
(ii) Our letter dated 02-02-2021

Dear Sir,

This has reference to your letter dated 24-12-2020 for compliance of the above mentioned order of Hon'ble NGT by us, if applicable to our unit.

We are having the consent under the Water Act 1974 and Air Act 1981 issued by the RPCB vide their File No. F(CPM)/Alwar(Tijara)/3978(1)/2018-2019/1771-1773, Order No. 2018-2019/CPM/5242 dated 21-06-2018 for the production of, (i) 500 TPD of MS CTD/TMT Bars & MS Round and (ii) 90 TPD (27,000 TPA) of MS Ingots/Billets. The consent is valid up to 31-7.2021.

The production of MS CTD/TMT Bars & MS Round in our unit is based on the process of metal forming which involves heating of the steel billets/ingots in reheating furnaces followed by their rolling using mechanical forces. This process is called 'Thermo-mechanical Treatment'. The production of the MS Ingots/Billets in our unit is based on operation of an Induction Furnace with a maximum capacity of 27000 TPA as prescribed at condition number 7 of the above-mentioned order issued by the RPCB.

We have studied the MoEFCC's letter dated October 22, 2020 and the order of the Hon'ble NGT dated 12-2-2020 on the OA No. 55/2019(WZ) in the matter of GajubhaJesarJadejaVs Union of India & Others which involves the reported non-compliance by M/S Chromeni Steel Pvt Ltd, Mundra. The order of the Hon'ble NGT requires action against "Instant and Similar Cases where such re-rolling/cold rolling mills units" are operating with CTE/CTO issued by the concerned SPCBs. The order of the Hon'ble NGT therefore, is for compliance by the re-rolling/cold rolling mills whose processes are same or similar to that of the M/S Chromeni Steel Pvt Ltd (CSPL), Mundra. The process at CSPL mentioned in the order includes, Acid Pickling, Acid Handling, Acid Recovery Plant etc. and even an Effluent Treatment Plant (ETP) for the treatment of waste water that contains Hexavalent Chromium. It may be noted here that the Pollution Index score of the pickling process alone (as per the CPCB's classification of industries into red, orange, green and white categories) is as high as 83.

It can be easily seen from the details given above that the production process at M/S Chromeni Steel Pvt Ltd involving highly polluting activities such as pickling, is totally different from the pollution free metal forming process existing in our unit and hence the above-mentioned order of the Hon'ble NGT is not applicable to our unit.

Rathi Special Steels Limited

We have also reviewed the provisions given under Cat 3(a) of the schedule prescribed in the EIA Notification 2006 as amended in 2009 and the various clarifications issued by MoEFCC/CPCB on the applicability of this notification to the metallurgical processing industry. We find that (i) the thermo-mechanical treatment-based process used in our unit for the production of MS CTD/TMT Bars & MS Round does not attract the provisions of the EIA Notification 2006 as confirmed in the past by MoEFCC and CPCB vide their letter dated December 13, 2010 and December 4, 2018 respectively. Copies of these two letters are attached for ready reference, and (ii) the operation of induction furnace with a production capacity of 27,000 TPA in our unit is much less than the limit of 30,000 TPA prescribed in the above referred notification, and hence does not require obtaining of the Environment clearance under the EIA notification 2006.

It is therefore confirmed that (i) the process of production at M/S Chromeni Steel Pvt Ltd, Mundrainvolving highly polluting activities is different from the pollution free metal forming process existing in our unit and hence the order dated 12-2-2020 of the Hon'ble NGT is not applicable to our unit, (ii) MoEFCC/CPCB has already clarified that the thermo mechanical treatment process involved in the production of MS CTD/TMT Bars & MS Round in our unit does not require obtaining of the Environment clearance under the EIA notification 2006, and (iii) the capacity of the induction furnace based production of MS Ingots/Billets in our unit is only 27,000 TPA and hence does not require obtaining of the Environmental Clearance under the EIA Notification 2006.

You are therefore requested to inform the MoEFCC accordingly for timely compilation and reporting of the status of compliance to the Hon'ble NGT in the matter under reference.

Thanking you in anticipation

Sincerely yours

For Rathi Special Steel Pvt. Ltd.
For Rathi Special Steels Limited

Authorised Signatory
Authorised Signatory



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,
208 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,

- 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;
- 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;
- 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.
- 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.
- 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.
- And whereas industry was granted consent to operate vide above referred consent letter with conditions mentioned therein.
- 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.
- 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.
- 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)



RATHI SPECIAL STEELS LIMITED

Regd. Office : A-24/8, Mohan Co-operative Industrial. Estate, New Delhi-110044

Web: www.rathisteels.com, E-mail : contact@rathisteels.com,

Ph.: +91-11-43165400, Fax :+91-11- 40597117

CIN No: U27109DL2004PLC125653

To,
The Member Secretary,
Rajasthan State Pollution Control Board,
Jaipur:

Dated.20/07/2021

Sub: The Hon'ble NGT's Order dated 12-2-2020, on the OA No. 55/2019(WZ) in the Matter of GajubhaJesarJadeja Vs Union of India and Others by the Re-Rolling/Cold Rolling Mills

Ref: Your letter No F-Tech/RPCB/HOGM/Gen-796/256-259 Dated 06/07/2021, received on 16/07/2021,

Dear Sir,

This has reference to your letter dated 24-12-2020 for compliance of the above mentioned order of Hon'ble NGT by us, if applicable to our unit.

Sir, our plant was established in 2005 and first consent to establish granted by the RPCB on dated 30/06/2006 with the installed capacity 150000 MTA, consent to operate was granted on dated 24/07/2007 with the production capacity 150000 MTA, the same was valid up to 31.07.2008, again consent was regularly renewed with same production capacity.

In the year 2015 we have applied for consent to establish for installation of induction furnace for manufacturing of M.S Ingots/Billets for 90 TPD, in this case the environmental clearance is not required due to less than 30000 TPA production capacity, consent to operate was granted 21/06/2018 with validity from 01/08/2016 to 31/07/2018 and continually renewed for same capacity.

Sir, the EIA notification was published on 14/09/2006 and some clarifications/Amendments were issued by the Moef time to time, as per the EIA notification those industries are established before EIA notification, those are not covered under EIA notification for irrespective production capacity.

Sir, we have no change in production capacity since 30/06/2006 to till date and consent to operate is valid till 31/07/2021 and application for renewal is already submitted on dated 10/03/2021, with the same production capacity as we have obtained in 2006. So that order dated 12/02/20 on OA No.55/2019(WZ) in the matter of GajubhaJesarJadeja Vs Union of India and Others by the Re-Rolling/Cold Rolling Mills passed by the Hon'ble National Green Tribunal is not applicable to us.

.....2



RATHI SPECIAL STEELS LIMITED

Regd. Office : A-24/8, Mohan Co-operative Industrial, Estate, New Delhi-110044

Web: www.rathisteels.com, E-mail : contact@rathisteels.com,

Ph.: +91-11-43165400, Fax : +91-11- 40597117

CIN No: U27109DL2004PLC128663

(2)

The copy of the first consent to operate and latest consent to operate after enhance production capacity is here with enclosed for your reference.

In view of the above, you are requested to please drop the show cause notice issued to our industry for revocation of consent to operate and oblige us.

Thanking you in anticipation

Sincerely yours

For RathiSpecial Steels Limited.


Authorized Signatory



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

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,

(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.

Sr. Environmental Engineer (HOGM)



RATHI SPECIAL STEELS LIMITED

Regd. Office : A-24/8, Mohan Co-operative Industrial Estate, New Delhi-110044

Web: www.rathisteels.com, E-mail : contact@rathisteels.com,

Ph.: +91-11-43185400, Fax : +91-11-40597117

CIN No: U27109DL2004PLC123453

Works : SP-29, F 20-24 Rilco Industrial Area, Khushkhera 301707 Distt. Alwar (Raj.)

Dated, 28/08/2021

To,

The Sr. Environmental Engineer (HOGM)
Rajasthan State Pollution Control Board,
Jaipur.

Sub: - Reply of letter for intended refusal of application for consent to operate (Renewal) under the Air (Prevention & Control of Pollution) Act. 1981 and water (Prevention & Control of Pollution) Act. 1974.

Ref: - Your letter No. F-Tech (M-22)/RPCB/HOGM/(UID-25881)/445, dated 16/08/21

Dear Sir,

In reference to the above, we are here with submitting point wise reply as under, Point 1 to 7 is noted.

08, Reply as under,

- i. Sir, our plant was established in 2006 before notification 14 Nov. 2006, so EC condition not applicable on our project, we have clarified in our earlier reply along with documentary evidence.
- ii. Coal as fuel is being used in re heating furnace, wet scrubber as pollution control measures installed with re heating furnace, Dust collector with coal pulverizer, 30 meter height stack along with proper Air Monitoring facility is installed.
- iii. Compliance of order dated 26/12/2019 is as under,
 - A.
 - i. The emission parameters are within limits and we are going to shift on PNG as earliest, when PNG pipe line will be completed by Haryana City Gas.
 - ii. We are in touch with GAIL India and Haryana City Gas PNG supply company and going to made supply agreement as earliest possible, may be pipeline work of PNG supply will be completed by HCG by end of December 2021 as per verbal discussion with HCG officials, may be supply of PNG will start in our plant by January 2022
 - iii. CEMS is not applicable on our unit.
 - iv. Not applicable.
 - v. We have already planted trees in and outside of our plant and planted more trees in this rainy season.
 - vi. We have already provided the water spray arrangements for wetting of vehicle movement area in our plant.
 - vii. Same as above.
 - viii. No any haz. Waste is generated from our process and no burning of haz. Waste in and outside our plant.



RATHI SPECIAL STEELS LIMITED

Regd. Office : A-24/B, Mohan Co-operative Industrial Estate, New Delhi-110044

Web: www.rathisteels.com, E-mail : contact@rathisteels.com,

Ph.: +91-11-43185400, Fax : +91-11- 40507117

CIN No: U27109DL2004PLC128663

Works : SP-29,F 20-24 Riico Industrial Area, Khushkhara 301707 Distt.Alwar(Raj.)

- B.
- i. No process water is required only cooling water is required in our plant the same is recycled and no waste water is discharge from our premises.
- C.
- i. No any haz. Waste is generated from our process.
- iv. Sir, our process is rolling of red hot Iron ingots and billets, our roles are damages regularly and replaced regularly so our capital investment in plant machineries is increased every year, we have no change in our installed production capacity, the additional requisite fee for increased capital is paid online of Rs. 60000.00
- v. Self-certified production fig is here with enclosed.
- vi. Air monitoring reports from approved lab is here with enclosed.

15. Point noted and completed the requisite documents along with reply.

In the view of above compliances, you are requested to please withdraw the show cause notice issued for intended refusal of consent to operate against our industry under the water Act.(Prevention & Control of Pollution) Act 1974 and The Air (Prevention & Control of Pollution). Act.1981 &renew our consent to operate for plant.

Thanking You,

Yours faithfully,

For Rathi Special Steels Ltd

Anoop Rathi

Authorized Signatory



RATHI SPECIAL STEELS LIMITED

Regd. Office : A-24/8, Mohan Co-operative Industrial. Estate, New Delhi-110044

Web: www.rathisteels.com, E-mail : contact@rathisteels.com.

Ph.: +91-11-43165400, Fax :+91-11- 40597117

CIN No: U27109DL2004PLC125653

Works : SP-29,F 20-24 Riico Industrial Area, Khushkhera 301707 Distt.Alwar(Raj.)

Dated 15.09.2021

To

The Regional Officer,
Rajasthan State Pollution Control Board,
G.O. - I, Phase - II, RIA Bhiwadi,
District - Alwar(Rajasthan)

Sub:- In continuation of our reply of show cause notice no. RPCB/RO/BWD/2282/713 dated 31.08.2021

Ref:- Regarding Conversion of our furnace to PNG

Dear Sirs,

In response to your notice, we had informed you, a few days back, that we have requested M/s Haryana City Gas Distribution (Bhiwadi) Limited for a meeting on Monday, the 13th September 2021, to discuss various issues pertaining to PNG supply.

A meeting was held today i.e. 13 September 2021, in the office of M/s Kamdhenu Limited under the banner of Bhiwadi Rolling Mills Association(BRMA) of which we are among the founder members.

The said meeting was attended by MrKhatter (CEO of HCGDBL) on behalf of M/s HCGDBL and various members of BRMA including Mr Anil Rathi CMD of M/s. Shri Rathi Steel Dakshin Limited.

A few of the important issues raised by BRMA members are mentioned below.

1. Supply rates for PNG:- In this regard Mr. Khatter's kind attention was drawn to the invoice raised by M/s IRM Energy Limited on one of its consumers in Mandigobindgarh. The basic price in the invoice dated 15/08/2021 is Rs.26.25 per scm.
2. Flexibility of consumption in PNG by members. It was informed that the demand of steel is quite cyclic in nature. For example the demand drops during monsoon season leading to a consequent reduction in production resulting in reduced consumption of PNG. Covid like situations when not only the entire supply chain gets disturbed but also production because of mass exodus of labor to their villages, etc.
3. Quantity variation with no minimum consumption guarantee.





RATHI SPECIAL STEELS LIMITED

Regd. Office : A-24/8, Mohan Co-operative Industrial, Estate, New Delhi-110044

Web: www.rathisteels.com, E-mail : contact@rathisteels.com

Ph.: +91-11-43165400, Fax : +91-11- 40597117

CIN No: U27109DL2004PLC125653

Works : SP-29,F 20-24 Riico Industrial Area, Khushkhera 301707 Distt.Alwar(Raj.)

4. Flexibility in the agreement by incorporating the spot price clause along with fixed price.

You will kindly recall that in the recently concluded meeting held by the Pollution department, the Chairperson was very appreciative of the fact that industry needs a level playing field for its survival. We have to face competition from mills in Mandigobindgarh, MuzzafarNagar(where the franchise is IGL who expects another 1 year to complete pipeline laying work in that area).

After deliberations of almost 2 hours it was suggested by Mr. Khatter that BRMA should work out their member's consumption on a month to month basis for his consideration.

For our other issues relating to supply price and exemption from minimum consumption he, Mr. Khatter, will organize a meeting of BRMA members with the Directors of HGL for finalization sometime this week or early next week.

BRMA on behalf of all its members assured Mr. Khatter about its member's keenness to switchover to PNG.

It is also pertinent to mention that according to Mr. Khatter the pipeline laying work in Khushkhera Industrial Area is still on going and they are able to supply PNG to our unit 3 to 4 months time after signed the agreement.

We also like to inform you that we have already received a budgetary price offer for supply of pipe line and burners, etc. required by us. We are also in contact with our consultant for the drawing of the internal pipeline system.

We humbly request your good self to grant us some more time to enable us to submit a time bound program of converting to PNG.

Thanking you in anticipation

Sincerely yours

For Rathi Special Steels Ltd

Omraj Rathi
Authorised Signatory

Rathi Special Steels Limited

To,

Date 26-03-2019

The Regional Officer,

Rajasthan State Pollution Control Board ,

Bhiwadi

Subject :- Application Submit for required natural Gas from
M/s Haryana City Gas Distribution Ltd.

Dear Sir,

Please find enclose herewith as subject referred.

Thanking You,

Yours Truly,

For Rathi Specials Steels Ltd.

Authorized Signatory



[Signature]
Encl. :- Application Copy

Regd Office : A-24/8, Mohan Co-operative Industrial Estate, Main Mathura Road, New Delhi - 110044
Ph : +91-11-26991021 Fax : +91-11-46587117 Web : www.rathisteels.com
E-mail : contact@rathisteels.com

Works : SP-29, F-20-24, RICO Industrial Area, Khushkhara, P.O. Tapukra - 301707, Dist. Alwar Rajasthan
Ph. : (01493) 520308 Fax : (01493) 250545
CIN NO. U27109DL2004PLC125653

Equipment details / Usage of Fuels:

S.No	Equipment (Boilers, Heaters, Furnance, Chiller etc.)	Make/Brand	Capacity (Ton, KW, TR, Kcal)	Fuel Used (Diesel, LPG, FO, etc.)	Fuel consumption (Monthly)	Unit (KL, Kg, MT, Kw)	Process Application (steam generation, water heater, heat treatment etc.)	Hrs. Of Operation	Willingness to convert (if no state reason)
	Re Heating Furnace	Self	60 m.t.	Coal	5000 m.t.	m.t.	Heat treatment	18 Hrs	Due to N.C.R.

Additional Requirement, if any

Total Heat Requirement in case of Future Unit ~~7000~~ No

Natural gas requirement

- Daily : 7000 SCM per day
- Required flow : 6 To 7 SCM per hour
- Required pressure : 80 To 100 (bar or mbar)

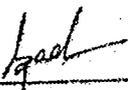
**CV of Natural Gas as 8500 Kcals/SCM

Peak Pressure Requirement at Point of Application 6 To 7 Bar

Additional Information, If any _____

Likely month/date to switch over on PNG _____

Name m/s Rathi Specials Stud Ltd

Sign & Seal 
Anshu Singuani

P.010.2.
102
25/8/19

12. Document a plan of action to control emissions when these cross the critical limits. Give specific steps.
13. What is the quantum of solar energy planned to be generated in the Plant?
14. In view of the deficiencies in the project report, the PP/Consultant is requested to revise the EIA/EMP Report. The EAC accepted the request of Consultant/PP for revision of EIA/EMP Report. Since whole process is online on Parivesh Portal the PP/Consultant shall revise the application on Portal.

Recommendations of the Committee

- 7.3.10 In view of the foregoing and after detailed deliberations, the committee the Committee recommended that proposal to be **returned in its present form** and submit the revised EIA/EMP Report and other details as per Appendix III of the EIA Notification, 2006.

Consideration in ToR Proposals

Agenda No. 7.4

- 7.4 **Regularization of the existing project of Rolling Mill having capacity of MS Ingots/Billets of 27,000 TPA (90TPD), MS CTD/TMT Bars & MS Round of 1,50,000 TPA (500TPD), Heating Furnace - 21Ton/Hr, Induction Furnace - -9 Ton/Heat” by M/s Rathi Special Steels Limited, located at Plot no.# SP-29, F-20- 24, RIICO Industrial Area, Khushkhera, District. Alwar, Rajasthan – Consideration of TOR.**

[Proposal No. IA/RJ/IND/272130/2022; File No. IA-J-11013/8/2019-IA-II(I)]
[M/s. Enkay Enviro Services Pvt. Ltd.; valid upto 12/12/2023]

- 7.4.1 M/s. Rathi Special Steels Limited has made an application online vide proposal no. IA/RJ/IND/272130/2022 dated 10.05.2022 in prescribed format (Form-I), copy of pre-feasibility report along-with proposed ToR for undertaking detailed EIA study as per the EIA Notification, 2006 for the project mentioned above. The proposed project activity is listed at S. No. 3(a) Metallurgical Industries and attracts general condition due to Inter-state boundary of Rajasthan & Haryana lies at a distance 3.77 Km, NNW and being appraised at central level.
- 7.4.2 Name of the EIA consultant: M/s. Enkay Enviro Services Pvt. Ltd. [S No 112, List of ACOs with their Certificate / Extension Letter No: NABET/EIA/2023/RA 0183 valid till 12/12/2023; Rev. 23, May 09, 2022].

Details submitted by Project proponent

- 7.4.3 The project of M/s Rathi Special Steels Limited located in RIICO Industrial Area Khushkhera, Tehsil - Tijara, District- Alwar, Rajasthan is for regularization of the existing project of Rolling Mill having capacity of MS Ingots/Billets of 27,000 TPA (90TPD), MS CTD/TMT

Bars & MS Round of 1,50,000 TPA (500TPD), Heating Furnace - 21Ton/Hr, Induction Furnace - -9 Ton/Heat.

7.4.4 Environmental site settings:

S. No.	Particulars	Details				Remarks	
i.	Total land	Total plot Area is 35,200Sq.m.(3.52Ha) There is no change in land use w.r.t. land allotted by RIICO.					
		S. No.	Land Use	Area (Sq.m)	Total area	Percentage (%)	
				Existing Area	Proposed Area		
		1.	Plant Area	11150.71	0.0	11150.71	31.68
		2.	Paved Area (Road, Corridor,)	15317.07	0.0	15317.07	43.51
		3.	Green Belt Area	8732.22	5347.78 (outside the plant premises)	8732.22	24.81
		4.	Open area	0.0	None	0.0	0.0
		Total		35,200	--	35,200	100
		Note*: The available Green area within the plant premises is 24.81%. About 15.19% green area will be developed by the proponent in consent with RIICO Office.					
ii.	Land acquisition details as per MoEF&CC O.M. dated 7/10/2014	Existing project is already situated in Khushkhera RIICO Industrial Area which is under the possession of the company.				-	
iii.	Existence of habitation & involvement of R&R, if any.	Land is already converted for industrial use. (RIICO Industrial Area) there is no habitation in the existing area, therefore rehabilitation & resettlement plan is not required/ applicable.				-	
iv.	Latitude and Longitude of all corners of the project site.	Point	Latitude	Longitude		--	
		(1)	28° 6'43.78"N	76°47'40.24"E			
		(2)	28° 6'43.20"N	76°47'40.00"E			
		(3)	28° 6'42.73"N	76°47'39.81"E			
		(4)	28° 6'40.69"N	76°47'39.05"E			
		(5)	28° 6'41.05"N	76°47'37.01"E			
		(6)	28° 6'38.61"N	76°47'35.96"E			
		(7)	28° 6'40.74"N	76°47'29.63"E			
		(8)	28° 6'46.35"N	76°47'31.90"E			
		(9)	28° 6'45.29"N	76°47'35.15"E			
		(10)	28° 6'44.08"N	76°47'34.68"E			

S. No.	Particulars	Details			Remarks																																							
		(11)	28° 6'43.14"N	76°47'37.76"E																																								
		(12)	28° 6'43.31"N	76°47'37.95"E																																								
		(13)	28° 6'43.79"N	76°47'38.14"E																																								
		(14)	28° 6'44.36"N	76°47'38.37"E																																								
v.	Elevation of the project site	The highest and lowest elevation of the project site is 264 AMSL and 260 AMSL			--																																							
vi.	Involvement of Forest land if any.	No forest land is involved.			-																																							
vii.	Water body (Rivers,Lakes, Pond,Nala,Natural Drainage,Canal etc.) exists within the project site as well as study area	Project site: Nil. Study Area: <table border="1"> <thead> <tr> <th>Water Bodies</th> <th>Distance</th> <th>Direction</th> </tr> </thead> <tbody> <tr> <td>Sahibi River (non-Perennial)</td> <td>4.21</td> <td>WSW</td> </tr> <tr> <td>Rattanpur Distributary</td> <td>9.20</td> <td>WNW</td> </tr> <tr> <td>Raliawas Distributary</td> <td>9.42</td> <td>NW</td> </tr> <tr> <td>Garhi Bolni Distributary</td> <td>9.73</td> <td>W</td> </tr> <tr> <td>Sare Khurd Canal</td> <td>10.80</td> <td>ENE</td> </tr> <tr> <td>Nikhari Distributary</td> <td>11.23</td> <td>NW</td> </tr> <tr> <td>Kheri Motla Distributary</td> <td>12.16</td> <td>WSW</td> </tr> <tr> <td>Water Pond N/V Sare Khurd</td> <td>13.61</td> <td>ENE</td> </tr> <tr> <td>Jitpur Distributary</td> <td>14.19</td> <td>NW</td> </tr> </tbody> </table>			Water Bodies	Distance	Direction	Sahibi River (non-Perennial)	4.21	WSW	Rattanpur Distributary	9.20	WNW	Raliawas Distributary	9.42	NW	Garhi Bolni Distributary	9.73	W	Sare Khurd Canal	10.80	ENE	Nikhari Distributary	11.23	NW	Kheri Motla Distributary	12.16	WSW	Water Pond N/V Sare Khurd	13.61	ENE	Jitpur Distributary	14.19	NW	--									
Water Bodies	Distance	Direction																																										
Sahibi River (non-Perennial)	4.21	WSW																																										
Rattanpur Distributary	9.20	WNW																																										
Raliawas Distributary	9.42	NW																																										
Garhi Bolni Distributary	9.73	W																																										
Sare Khurd Canal	10.80	ENE																																										
Nikhari Distributary	11.23	NW																																										
Kheri Motla Distributary	12.16	WSW																																										
Water Pond N/V Sare Khurd	13.61	ENE																																										
Jitpur Distributary	14.19	NW																																										
viii.	Existence of ESZ/ ESA/ national park/wildlife sanctuary/biosphere reserve/tiger reserve/ elephant reserve etc. if any within the study area	Nil List of Reserved and protected forests: Are given in the following table. <table border="1"> <thead> <tr> <th>Forests</th> <th>Distance(km)</th> <th>Direction</th> </tr> </thead> <tbody> <tr> <td>Banvan P.F.</td> <td>5.39</td> <td>ENE</td> </tr> <tr> <td>Khori Kalan P.F.</td> <td>6.19</td> <td>E</td> </tr> <tr> <td>P.F. Near Village Banvan</td> <td>6.65</td> <td>NE</td> </tr> <tr> <td>Guwalda P.F.</td> <td>7.79</td> <td>E</td> </tr> <tr> <td>Banvan P.F. Near Village Joriah</td> <td>8.61</td> <td>NE</td> </tr> <tr> <td>Gondhan P.F.</td> <td>8.62</td> <td>NE</td> </tr> <tr> <td>Chaupanki P.F.</td> <td>10.18</td> <td>ENE</td> </tr> <tr> <td>Indaur R.F.</td> <td>11.12</td> <td>E</td> </tr> <tr> <td>Khidarpur P.F.</td> <td>11.18</td> <td>SE</td> </tr> <tr> <td>Sare Kalan P.F.</td> <td>11.83</td> <td>ENE</td> </tr> <tr> <td>Bhalki P.F.</td> <td>12.36</td> <td>SSE</td> </tr> <tr> <td>Milakpur Turk P.F.</td> <td>13.07</td> <td>ESE</td> </tr> </tbody> </table>			Forests	Distance(km)	Direction	Banvan P.F.	5.39	ENE	Khori Kalan P.F.	6.19	E	P.F. Near Village Banvan	6.65	NE	Guwalda P.F.	7.79	E	Banvan P.F. Near Village Joriah	8.61	NE	Gondhan P.F.	8.62	NE	Chaupanki P.F.	10.18	ENE	Indaur R.F.	11.12	E	Khidarpur P.F.	11.18	SE	Sare Kalan P.F.	11.83	ENE	Bhalki P.F.	12.36	SSE	Milakpur Turk P.F.	13.07	ESE	
Forests	Distance(km)	Direction																																										
Banvan P.F.	5.39	ENE																																										
Khori Kalan P.F.	6.19	E																																										
P.F. Near Village Banvan	6.65	NE																																										
Guwalda P.F.	7.79	E																																										
Banvan P.F. Near Village Joriah	8.61	NE																																										
Gondhan P.F.	8.62	NE																																										
Chaupanki P.F.	10.18	ENE																																										
Indaur R.F.	11.12	E																																										
Khidarpur P.F.	11.18	SE																																										
Sare Kalan P.F.	11.83	ENE																																										
Bhalki P.F.	12.36	SSE																																										
Milakpur Turk P.F.	13.07	ESE																																										

S. No.	Particulars	Details			Remarks
		Rangala R.F.	14.27	NNE	
		Gotoli P.F.	14.52	SE	

7.4.5 The existing project was accorded Consent to Establish vide letter no. RPCB/RO/BWD/OR-755/493 dated 30.06.2006. The proposal for obtaining Environmental Clearance has been applied first time as previously the project of Rolling Mill was not covered under the purview of Environmental Clearance under EIA Notification 2006. (Secondary metallurgical processing industries with Production \leq 60,000 TPA). Latest Consent to Operate for the existing unit was accorded by Rajasthan State Pollution Control Board vide letter no. F(CPM)/Alwar(Tijara)/3978(1)/2018-2019/1771-1773 dated 21.06.2018. The validity of CTO was up to 31.07.2021. Renewal of CTO is applied and pending for want of Environmental Clearance. The details of CTO are as follows:

7.4.6 Implementation status of the existing CTE/CTO:

Details	Document no.	Date	Validity	Implementation status
Details of Earlier EC	The proposal is applied first time for obtaining Environmental Clearance as previously the project of Rolling Mill was not covered under the purview of Environmental Clearance (<60,000TPA, Secondary metallurgical processing industry)			
DETAILS OF CTE	RPCB/RO/BWD/OR-755/493	30.06.2006	Valid For 3 Years Or Upto The Actual Date Of Production	Granted for CTD BARS,TMT BARS (1,50,000MT/Ann um)
	F(CPM)/Alwar(Tijara)/8(1)/2011-2012/ 4737-4739	07.09.2012	05.04.2012 TO 31.03.2015	Granted for M.S. INGOTS -80TPD (24,000MTPA)
	F(CPM)/Alwar(Tijara)/8(1)/2011-2012/ 4411-413	29.04.2015	03.10.2013 TO 30.09.2016	Granted for COAL GASIFIER - 1.50TPH
	F(CPM)/Alwar(Tijara)/8(1)/2011-2012/ 3259-3261	02.11.2015	02.11.2015 TO 31.10.2018	Granted for M.S.INGOTS/ BILLETS - 90TPD (27,000MTPA)
	F(CPM)/Alwar(Tijara)/8(1)/2018-2019/ 1768-1770	21.06.2018	12.12.2015 TO 30.11.2018	Granted for COAL PULVERIZER- 1 no.
	F(CPM)/Alwar(Tijara)/8(1)/201	21.06.2018	12.10.2016 TO	Granted for DG

Details	Document no.	Date	Validity	Implementation status
	8-2019/ 1765-1767		30.09.2021	SET 1(125kVA) - ,DG SET 1-(380kVA)
DETAILS OF CTO	RPCB/RO/BWD/OR-527/858	27.07. 2007	31.07.2008	Granted for CTD BARS (1,50,000MT/ Annum)
	RPCB/RO/BWD/OR-755/1465	18.08.2009	31.07.2010	Granted Extension Of CTO For CTD BARS (1,50,00MT/ Annum)
	F(CPM)/Alwar(Tijara)/8(1)/20 11-2012/ 7462-7464	16.01.2012	01.08.2010 TO 31.07.2013	Granted for MS CTD/TMT BARS & MS ROUND (1,50,000MT/ Annum)
	F(CPM)/Alwar(Tijara)/8(1)/20 11-2012/ 67-69	04.05.2015	01.08.2013 TO 31.07.2016	Granted for MS CTD/TMT BARS & MS ROUND (1,50,000MT/ Annum)
	F(CPM)/Alwar(Tijara)/8(1)/20 18-20199/ 17671-1773	21.06.2018	01.08.2016 TO 31.07.2021	Granted for MS CTD/TMT BARS & MS ROUND (1,50,000mt/ Annum) & M.S. INGOTS/ BILLETS (90TPD)
	--	---		Applied for renewal of CTO and

7.4.7 The unit configuration and capacity of proposed project is given as below:

S. No.	Product	Existing Capacity (MTPA)	Total Capacity (MTPA)
1.	MS Ingots/Billets	27,000 TPA (90TPD)	27,000 TPA (90TPD)

S. No.	Product	Existing Capacity (MTPA)	Total Capacity (MTPA)
2.	MS CTD/TMT Bars & MS Round	1,50,000 TPA (500TPD)	1,50,000 TPA (500TPD)
3.	Induction Furnace	9Ton/Heat	9Ton/Heat
4.	Heating Furnace	21Ton/Hr	21Ton/Hr

7.4.8 The details of the raw material requirement for the proposed project along with its source and mode of transportation is given as below:

S. No.	Raw Material	Existing	Total	Source	Mode of transport
		Quantity			
1	MS Billets	94.940MT/Day	94.940MT/Day	Local	Transported by Trucks
2	Scrap	530.170MT/Day	530.170MT/Day		
3	Coal	20kg/Ton/day	20kg/Ton/day	Local	
4	Gas (PNG)	1000m ³ /day	1000m ³ /day	Local	

7.4.9 Existing one time Water requirement is 88m³/day, out of which 32 m³/day of fresh water requirement is being obtained from the ground water and permission for the same has been obtained from CGWA vide letter no. CGWA/NOC/IND/ORIG/2021/10436 dated 09.01.2021 valid up to 08.01.2023 and the remaining 56 m³/day is being met from the Recycling.

7.4.10 Existing power requirement of 4500 kVA (15095.5KW Sanctioned capacity) is obtained from JVVNL, Alwar from nearest GSS of 220KV.

7.4.11 The capital cost of the project is Rs 82.01 Crores and the capital cost for environmental protection measures is proposed as Rs 0.41 Crores and recurring cost of Rs. 0.05 Crores. The employment generation from the existing project is 175.

7.4.12 PP has reported the following related to the project under consideration:

Particular	Details
Direction	A letter issued from RSPCB vide letter no. RPCB/RO/BWD/1747 dated 25.01.2022 for Direction under section 12(2) (xi) of the Commission for Air Quality Management in National Region and Adjoining areas Act'2021 for closure of Industrial Operations/Process. Thus, the industry is closed till further order.
Court Case	IA No. 150/2022 in Appeal No.-29/2022 at NGT.

7.4.13 Proposed Terms of Reference: [Baseline data collection period: March - April - May 2022]

Attributes & Parameters	Sampling		Measurement Method	Protocol
	No. of stations	Frequency		
A. Air Environment				

Attributes & Parameters	Sampling		Measurement Method	Protocol
	No. of stations	Frequency		
Meteorological Wind Speed Wind Direction Max. Temperature Min. Temperature Relative Humidity Rain fall Solar radiation Cloud cover	1-site area in the project impact area- site area	One hourly continuous	Mechanical/ Automatic Weather stations Max/ Min Thermometer Hygrometer Rain gauge As per IMD specifications	IS 5182 Part1-20 Site specific primary data is essential Secondary data from IMD
Pollutants Pollutants PM ₍₁₀₎ PM _(2.5)	8 locations Including Site	24 hourly twice a week	As per CPCB Guidelines Gravimetric (High-Volume with Cyclone)	IS 11255(Part 1):1985
SO ₂			Improved West & Gaeke	IS 5182(Part 2):2001
NO _x			Modified Jacob Hochheiser	IS 5182(Part 6):1975
CO		8 hourly twice a week	NDIR Method	IS 5182(Part 10):1999
B. Noise				
Hourly equivalent noise levels	8 locations including Project site.	Frequency Once in season	Integrated Sound Level Measurement Instrument, DT - 805 issued by Mextech	IS: 4954-1968 as adopted by CPCB. CPCB/ OSHA CPCB/ IS:5954-1968
Hourly equivalent noise levels	--	Once		
Hourly equivalent noise levels	Site	Once in season		
C. Water				
Parameters for water quality	8 locations Including Site	Once in season		
Colour (in hazen units)			Visual Method	IS : 3025 (P-4) 1983
Odour			Manual	IS : 3025 (P-5) 1983
Temperature °C			Thermameter	IS 3025(Part 9):1984
pH			pH meter	IS : 3025 (P-11)1983
Turbidity (NTU)			Nephelometer	IS 3025(Part 10):1984
Total Dissolved Solids (mg/l)			Gravimetric	IS : 3025 (P-16) 1984
Biochemical Oxygen Demand (mg/l)			DO consumption in 3 days at 27°C	IS : 3025 (P-44) 1993
Carbonate as CaCO ₃			Titrimetric	IS 3025(Part

Attributes & Parameters	Sampling		Measurement Method	Protocol
	No. of stations	Frequency		
(mg CaCO ₃ /l)				IS:2001
Coliform (No./100 ml)			MPN	IS : 5401
Fecal Coliform			MPN	IS : 5401
Sodium as Na(mg/l)			Flame photometry	IS 3025(Part 45):1993
Potassium as K (mg/l)			Flame photometry	IS 3025(Part 45):1993
Chloride as Cl (mg/l)			Argentometric titration	IS 15210(Part 0/Sec 0):2002/ ISO 8762
Nitrite (mg N/L)			Colorometry	
Chemical Oxygen Demand (mg/l)			Potassium dichromate method	
Magnesium (mg CaCO ₃ /l)			EDTA Titrimetric	IS 3025(Part 46):1994
Sulphate (mg/l)			Turbidimetry	IS 3025(Part 24):1986
D. Land Environment				
Soil Texture pH Electrical Conductivity Bulk density Porosity Total organic carbon N, P, K, Zinc, Cd Chloride, Alkali metal, permeability, Water holding capacity, Cu, Iron as Fe, Moisture content, Boron as B	8 sample from project sit as well as nearby agriculture land.(soil samples has been collected as per BIS specifications)	Season wise	Collected and analyzed as per soil analysis reference book, M.I. Jackson and soil analysis reference book by C.A. Black	Once in a year.
Land use/ Landscape Location code Total project area Topography Drainage (Natural) Cultivated, forest, plantations, water bodies, roads and settlements		--	Global Positioning System Toposheet (1:50,000) Satellite Imagery* (1:50,000)	
E. Biological Environment				

Attributes & Parameters	Sampling		Measurement Method	Protocol						
	No. of stations	Frequency								
<table border="1"> <tr><td>Plants</td></tr> <tr><td>Butterflies</td></tr> <tr><td>Amphibians</td></tr> <tr><td>Reptiles</td></tr> <tr><td>Birds</td></tr> <tr><td>Mammals</td></tr> </table>	Plants	Butterflies	Amphibians	Reptiles	Birds	Mammals	--	Three- five days in each months	Quadrate sampling/ enumeration/ survey methods Transect method/ Visual encounter survey Visual encounter survey/ Opportunistic survey Visual encounter survey/ Opportunistic survey Point count/ Opportunistic survey Tracks / signs and visual encounter survey	Preliminary assessment point quarter plot-less method for terrestrial vegetation survey
Plants										
Butterflies										
Amphibians										
Reptiles										
Birds										
Mammals										
Fauna, Avian fauna, Rare and endangered species Sanctuaries/ National park/ Biosphere reserve/ Migratory routes.	--	--	--	Secondary data to be collected from Government offices, NGO's published literature.						
F. Socio-Economic Environment										
Demographic structure infrastructure resource base Economic resource base health status: Occupation pattern cultural and aesthetic attributes education	Socio- Economic observation will be based on random sampling method with access to the nearest habitation to the extent possible.	One site visit and prior to the final submission of the project.	Primary data collection through questionnaire and interviews	Secondary data from census records, statistical hand-books, toposheets, health records and relevant official records available in public domain.						

Deliberation by the Committee

7.4.14 The Committee noted the following:

- i. The instant proposal is for regularization of the existing project of Rolling Mill having capacity of MS Ingots/Billets of 27,000 TPA (90TPD), MS CTD/TMT Bars & MS

- Round of 1,50,000 TPA (500TPD), Heating Furnace - 21Ton/Hr, Induction Furnace - -9 Ton/Heat.
- ii. The proposal is for regularization of existing unit in compliance of MoEF&CC letter no. F. No. - IA-J-11013/24/2022-IA-II(I) dated 13.04.2022 to Rajasthan State Pollution Control Board and order of Hon'ble National Green Tribunal in O.A. no. 55/2019(WZ) in matter of Gajubha Jesar Jadeja vs Union of India & Ors. dated 12.02.2020 & Letter no. F. No. - IA-J-11013/24/2022-IA-II(I) dated 13.04.2022.
 - iii. The EAC deliberated on the proposal. Based on the KML file presented by the PP, the proposed Unit is brown field project and the project was operational based on the CTE/CTO obtained from the State Pollution Control Board.
 - iv. As reported by PP, a letter has been issued from RSPCB vide letter no. RPCB/RO/BWD/1747 dated 25.01.2022 for Direction under section 12(2) (xi) of the Commission for Air Quality Management in National Region and Adjoining areas Act, 2021 for closure of Industrial Operations/Process. Thus, the industry is closed till further order. Also, there is a court case in Hon'ble NGT vide IA No. 150/2022 in Appeal No.-29/2022.
 - v. The EAC noted that the instant project comes under Critically Polluted Area (CPA). PP has committed the proposed mitigation measures and detailed action plan to be submitted in the EIA/EMP Report.
 - vi. The EAC also noted that the instant project is located at 3.77 km interstate boundary of Rajasthan and Haryana, hence PP has applied at the Central level as a Category 'A' project for obtaining EC under the provisions of the EIA Notification, 2006.
 - vii. The EAC also noted that the RSPCB vide letter no. RPCB/RO/BWD/1747 dated 25.01.2022 has issued the Direction under section 12(2) (xi) of the Commission for Air Quality Management in National Region and Adjoining Areas Act' 2021 to the said Unit for its closure of Industrial Operations/Process. Thus, the industry is closed till further order. EAC observed that proposal is technically found satisfactory for prescribing TOR. However, the Ministry to further examined this aspect.

Recommendations of the Committee

7.4.15 After deliberations, the Committee **recommended** the project proposal for prescribing following specific ToRs for undertaking detailed EIA and EMP study **subject to further examination/decision on CPA & Directions issued by the CAQM in National Region and Adjoining Areas**, in addition to the generic ToRs enclosed at Annexure-1 read with additional ToRs at Annexure-2:

- (i) The implementation on the Direction issued by the Commission for Air Quality Management in National Region and Adjoining Areas.
- (ii) The implementation of the Action Plan/Mitigation measures as prescribed for the CPA, as the Unit is located in CPA.
- (iii) The industry shall use CETP treated waste water for industrial processes to reduce the stress on Ground water resource as and when made available, accordingly the PP will incorporate the water balance in the EIA/EMP Report.
- (iv) Ground water shall be abstracted only for the domestic water demand (drinking purpose only).
- (v) The industry shall use PNG gas as per direction no. 64 of the Commission for Air Quality Management in National Region and Adjoining Areas.

- (vi) The Sahibi River exists nearby of the project site. The PP shall submit the suitable steps /conservation plan along with contouring, Run -off calculations, disposal etc. As a river exist nearby of the project area, so a robust and full proof Drainage Conservation scheme to protect the natural drainage and its flow parameters; along with Soil conservation scheme and multiple Erosion control measures shall be provided.
- (vii) Detailed description of micro flora and fauna (terrestrial and aquatic) existing in the study area with special reference to rare, endemic and endangered species.
- (viii) Explore possibilities for recycling and reusing of treated water in the unit to reduce the fresh water demand and waste disposal. PP shall submit an action plan for gradual phasing out of ground water consumption and switching to alternative source of water.
- (ix) The PP should submit the photograph of monitoring stations & sampling locations. The photograph should bear the date, time, latitude & longitude of the monitoring station/sampling location. In addition to this PP should submit the original test reports and certificates of the labs which will analyze the samples.
- (x) PP should submit action plan for rainwater harvesting.
- (xi) Action plan for 100 % solid waste utilization shall be submitted.
- (xii) Project proponent shall prepare layout plan showing all internal roads minimum 6m width and 9m turning radius with proper looping for smooth traffic flow, including fire tender as per NBC. Road network shall connect all service areas in layout. This drawing shall include area statement showing plot area, area under roads, parking, green belt with calculations and % with respect to plot area of project site and proper indexing.
- (xiii) Project proponent shall submit contour map of project site along with drainage disposal system with calculations and drawings supported with proper indexing including rain water harvesting details with calculations mentioning about GW recharge along with relevant drawing.
- (xiv) Project proponent shall submit a study report on Decarbonisation program, which would essentially consist of company's carbon emissions, carbon budgeting/ balancing, carbon sequestration activities and carbon offsetting strategies. Further, the report shall also contain time bound action plan to reduce its carbon intensity of its operations and supply chains, energy transition pathway from fossil fuels to Renewable energy etc. All these activities/ assessments should be measurable and monitorable with defined time frames.
- (xv) As part of Corporate Environment Responsibility (CER) activity, company shall adopt nearby villages based on the socio-economic survey and undertake community developmental activities in consultation with the village Panchayat and the District Administration. In this regard, time bound action plan as per the MoEF&CC Office Memorandum dated 30/09/2020 shall be submitted.
- (xvi) Action plan to limit the dust emission from all the stacks below 30 mg/Nm³ shall be furnished.
- (xvii) Action plan for fugitive emission control in the plant premises shall be provided.
- (xviii) Action plan for the stock piles with impervious floor, provision of garland drains and catch pits to trap run off material shall be submitted.
- (xix) An action plan for Green Belt development consisting of 3 tiers of plantations of native species all along the periphery of the project of adequate width shall be raised in 33% of total area with a tree density of not less than 2500 per ha within a time frame of one year shall be submitted. Survival rate of green belt developed shall be monitored on periodic

basis to ensure that damaged plants are replaced with new plants in the subsequent years.

- (xx) An action plan for the disposal of electronic waste must be drawn up and implemented.

Proof of service

rediffmail

Mailbox of office@asjlegal.in

Subject: KIND ATTN: SERVICE Written Arguments on behalf of Appellant in Appeal No. 29 of 2022 NGT Principal Bench New Delhi

From: ASJ Legal <office@asjlegal.in> on Thu, 23 Jun 2022 19:37:15

To: <RAJESH.K64@GOV.IN>, <KUTTYDM@NIC.IN>, <ACP.RPCB@RAJASTHAN.GOV.IN>, <ROBHINWADI@GMAIL.COM>

Cc: "anandjha " <anand.jha@asjlegal.in>

1 attachment(s) - WA_Appellant_Appeal_No._29_of_2022.pdf (2.27MB)

TO,

1. COMMISSION FOR AIR QUALITY MANAGEMENT IN NATIONAL CAPITAL REGION (NCR) AND ADJOINING AREAS,

17TH FLOOR, JAWAHAR VYAPAR BHAWAN
(STC BUILDING) TOLSTOY MARG,
NEW DELHI- 110001
EMAIL: KUTTYDM@NIC.IN; RAJESH.K64@GOV.IN
CONTACT: 011-23701191

2. RAJASTHAN STATE POLLUTION CONTROL BOARD,
4 JHALANA INSTITUTIONAL AREA, JHALANA DOONGRI,
JAIPUR - 302004
EMAIL: ACP.RPCB@RAJASTHAN.GOV.IN
CONTACT: 0141-2716809

3. RAJASTHAN STATE POLLUTION CONTROL BOARD,
BHIWADI OFFICE: G.O.-1, PH-II, RIA,
BHIWADI
EMAIL: ROBHINWADI@GMAIL.COM
CONTACT: 01493-221435

Please find attached along with the present Email Written Arguments being filed on behalf of Apellant in Appeal No. 29 of 2022 (Old Appeal No. 11 of 2022 (CZ)).

Request you to kindly acknowledge the receipt of this email along with attachment.

Regards

ASJ Legal
Advocates & Solicitors

Office: B-6/65 (LGF) Safdarjung Enclave
New Delhi – 110029

LL: +91.11-49059255
LL: +91 11 35514664
