

**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
(THROUGH PHYSICAL HEARING WITH HYBRID MODE)**

Original Application No.183/2023/EZ

Vishal Kumar

Applicant(s)

Versus

Bihar Foundry and Casting Ltd. & Ors.

Respondent(s)

Date of hearing: 15.01.2024

**CORAM: HON'BLE MR. JUSTICE B. AMIT STHALEKAR, JUDICIAL MEMBER
HON'BLE DR. ARUN KUMAR VERMA, EXPERT MEMBER**

For Applicant(s) : Mr. Akshar Bhatt, Advocate (in Virtual Mode)

ORDER

1. Mr. Akshar Bhatt, learned Counsel is present (in Virtual Mode) for the Applicant.
2. This Original Application has been filed by the Applicant stating that the Respondent No.1, Bihar Foundry and Castings Limited, is one of the largest manufactures of ferrous alloy in the State of Jharkhand and is engaged in the business of ferrous products, ferro alloys, ferro silico-manganese.
3. The allegation of the Applicant is that the Respondent No.1 is operating its Unit without Environmental Clearance but has obtained Consent to Operate granted by the Jharkhand State Pollution Control Board, Respondent No.3.
4. Learned Counsel for the Applicant has referred to the Ministry of Environment, Forests and Climate Change, Respondent No.2, letter dated 15.05.2023 (Annexure-A7 (colly), page 113 to the Original Application), which mentions that the Ministry has issued SOP vide Office Memorandum dated 07.07.2021 for appraisal of projects for grant of Terms Of Reference/Environmental Clearance and action

is to be taken against the project proponent by the respective State Government or the State Pollution Control Board under the provisions of the Environment (Protection) Act, 1986, and no Consent to Operate or occupancy certificate (for the violation project) to be issued till the project is granted Environmental Clearance.

5. In para 4 of this letter, it is further mentioned that the EAC noted that the existing project was accorded Environmental Clearance vide F. No. J-11011/384/2010-IA (II) dated 30.10.2011. Consent to Operate for the existing Unit was accorded by the Jharkhand State Pollution Control Board on 10.11.2020 which is in the name of Gautam Ferro Alloys (Unit of BFCL) valid upto 31.12.2025. subsequently, name of the Plant in CTO has been changed to Bihar Foundries & Castings Limited vide order dated 23.01.2023 valid upto 31.12.2025.
6. The letter further mentions that EAC further noted that the company has started installation of the 5th Submerged Arc Furnace of 1x9 MVA and CLU converter without completing the process of Environmental Clearance. As these Units were installed without prior Environmental Clearance, the project falls in violation and is appraised under the provisions of S.O. 804 (E) issued by the MoEF&CC dated 14.03.2017 and O.M. dated 07.07.2021 regarding SOP for identification and handling for projects under violation.
7. The letter also mentions that the Committee observed that Jharkhand State Pollution Control Board has filed a case in the Hon'ble Magistrate Court of Ramgarh vide complaint case No.117/2023 dated 07.01.2023 to initiate credible action against

M/s Bihar Foundry & Casting Limited for the offence under Section 19 of Environment (Protection) Act, 1986.

8. Matter requires consideration.
9. Issue notice to the Respondents, returnable within four weeks.
10. Mr. Arindam Banerjee, learned Counsel who is present (in Virtual Mode), accepts notice on behalf of the Respondent No.1, Bihar Foundry and Castings Limited.
11. Mr. D. N. Ray, learned Counsel who is present (in Virtual Mode), accepts notice on behalf of the Respondent No.2, MoEF&CC.
12. Mr. Surendra Kumar, learned Counsel who is present in Court, accepts notice on behalf of the Respondent No.3, Jharkhand State Pollution Control Board.
13. Mr. Sibojyoti Chakraborty, learned Counsel who is present (in Virtual Mode), states that he has instructions to appear on behalf of the Respondent No.4, Central Pollution Control Board, and files Vakalatnama on behalf of the said Respondent.
14. Ms. Aishwarya Rajyashree, learned Counsel who is present (in Virtual Mode), accepts notice on behalf of the Respondent No.5, Department of Forest, Environment and Climate Change, Government of Jharkhand.
15. Mr. Ashok Prasad, learned Counsel who is present in Court, accepts notice on behalf of the Respondent No.6, Central Ground Water Authority.
16. All the Respondents shall file their counter-affidavits within four weeks.
17. The Counsel for the Applicant shall serve e-copy/soft copy of the Original Application along with all its annexures upon Mr. Arindam Banerjee, Mr. D. N. Ray, Mr. Surendra Kumar, Mr. Sibojyoti

Chakraborty, Ms. Aishwarya Rajyashree and Mr. Ashok Prasad,
Counsel for Respondents within one week.

18. **List on 01.03.2024.**

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B. Amit Sthalekar, JM

January 15, 2024,
Original Application No.183/2023/EZ
AK

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Dr. Arun Kumar Verma, EM