

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

Original Application No.148/2024/EZ

Sh. Manoj Yadav Applicant(s)

Versus

Bihar Foundry and Castings Limited & Ors. Respondent(s)

With

Original Application No.183/2023/EZ

Vishal Kumar Applicant(s)

Versus

Bihar Foundry and Casting Limited & Ors. Respondent(s)

With

Original Application No.44/2023/EZ
(I.A. No.67/2024/EZ)

Rakesh Shrivastava Applicant(s)

Versus

Bihar Foundry and Casting Limited & Ors. Respondent(s)

Date of hearing: 28.01.2025

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

For Applicant(s) : Mr. Puran Sharma, Adv. a/w
Mr. Narender Pal Singh, Adv. and
Mr. Bharat Sharma, Adv. (in Virtual Mode)

For Respondent(s) : Mr. Sanjay Upadhyay, Sr. Adv. a/w
Mr. Shubham Upadhyay, AOR,
Ms. Mansi Bachani, Adv. and
Mr. Surya Gupta, Adv. for R-1 & 2,
Ms. Rashhmi Singhee, Adv. for R-3 (in Virtual Mode),
Mr. Surendra Kumar, Adv. for R-4,
Mr. Sibojyoti Chakrabarti, Adv. for R-5 (in Virtual Mode),
Ms. Aishwarya Rajyashree, Adv. for R-6 (in Virtual Mode),
Mr. Ashok Prasad, Adv. for R-7 & 8 (in Virtual Mode)

(in O.A. No.183/2023/EZ)

For Applicant(s) : Mr. Harshit Shekhar, Adv. a/w
Mr. Ankit Burman, Adv.

For Respondent(s): Mr. Sanjay Upadhyay, Sr. Adv. a/w
Mr. Shubham Upadhyay, Adv.,
Ms. Mansi Bachani, Adv. and
Mr. Surya Gupta, Adv. for R-1,
Ms. Anamika Pandey, Adv. for R-2 (in Virtual Mode),
Mr. Surendra Kumar, Adv. for R-3,
Mr. Sibojyoti Chakrabarti, Adv. for R-4 (in Virtual Mode),
Ms. Aishwarya Rajyashree, Adv. for R-5 (in Virtual Mode),
Mr. Gigi C George, Adv. for R-6 (in Virtual Mode)

**(in O.A. No.44/2023/EZ
I.A. No.67/2024/EZ)**

For Applicant(s) : Mr. Anubhav Khastagir, Adv.

For Respondent(s): Mr. Sanjay Upadhyay, Sr. Adv. a/w
Mr. Shubham Upadhyay, Adv.,
Ms. Mansi Bachani, Adv. and
Mr. Surya Gupta, Adv. for R-1 & 2,
Ms. Anamika Pandey, Adv. for R-3 (in Virtual Mode),
Mr. Surendra Kumar, Adv. for R-4,
Mr. Ashok Prasad, Adv. for R-5 (in Virtual Mode)

ORDER

1. Mr. Puran Sharma, learned Counsel assisted by Mr. Narender Pal Singh and Mr. Bharat Sharma, learned Counsel is present (in Virtual Mode) for the Applicant in O.A. No.148/2024/EZ.
2. Mr. Harshit Shekhar, learned Counsel assisted by Mr. Ankit Burman is present for the Applicant in O.A. No.183/2023/EZ.
3. Mr. Anubhav Khastagir, learned Counsel is present for the Applicant in O.A. No.44/2023/EZ.
4. Affidavit dated 27.01.2025 has been filed by the Respondent No.4, Jharkhand State Pollution Control Board in O.A. No.44/2023/EZ; the same is taken on record.
5. Mr. Surendra Kumar, learned Counsel appearing on behalf of the Jharkhand State Pollution Control Board in both the Original

Applications states that the same affidavit shall be treated as read in Original Application No.183/2023/EZ also.

6. Learned Counsel for the parties state that the issue involved in O.A. No.148/2024/EZ is identical to that of O.A. No.183/2023/EZ and O.A. No.44/2023/EZ.
7. In view of this matter, all the three Original Applications namely O.A. No.148/2024/EZ, O.A. No.183/2023/EZ and O.A. No.44/2023/EZ are being taken up together for disposal.

(Final order of this case will be uploaded in NGT website by separate sheets of paper).

.....
B. Amit Sthalekar, JM

.....
Dr. Arun Kumar Verma, EM

January 28, 2025,
Original Application No.148/2024/EZ
With Original Application No.183/2023/EZ
With Original Application No.44/2023/EZ
(I.A. No.67/2024/EZ)
OM

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

Original Application No.148/2024/EZ

IN THE MATTER OF

Sh. Manoj Yadav
S/o Late Sh. V.S. Yadav
R/o Kundu Mohalla Presently known as
Medni Nagar City Daltanganj,
District-Palamu,
Jharkhand;

Presently At:-

H. No. K-82 Gali No. 26, West Gonda, Delhi-110053

.....Applicant(s)

Versus

- 1. Bihar Foundry and Castings Limited,**
Through its **Chairman/Director**
Main Road, Ranchi, P.O.-G.P.O,
PS- Sadar, District- Ranchi,
Jharkhand-834001;

Also At:- Ramgarh Industrial Area,

Marar Village, Ramgarh (Tehsil & District),

Jharkhand-829117;

- 2. M/S GAUTAM FERRO ALLOYS LTD.,**
Through its Managing Director

At:- Ramgarh Industrial Area
Marar Village, Ramgarh (Tehsil & District),
Jharkhand-829117;

- 3. Ministry of Environment, Forest & Climate Change,**
Through Secretary,
Indira Paryavaran Bhawan, Jorbagh Road,
New Delhi – 110003;

- 4. Jharkhand State Pollution Control Board,**
Through its Member Secretary,
H.E.C., Dhurwa, Ranchi-834004, Jharkhand;

- 5. Central Pollution Control Board,**
Through Chairman,
Parivesh Bhawan, East Arjun Nagar,
Delhi-110032;
- 6. Department of Forest, Environment & Climate Change,**
Government of Jharkhand,
Through Principal Secretary,
Nepal House, Doranda,
Ranchi, Jharkhand-834002;
- 7. Central Ground water Authority of India,**
Through Member
18/11 Jamnagar House, Mansingh Road,
New Delhi – 110011;
- 8. Central Ground water Board Mid Eastern Region,**
Through Regional Director,
6th & 7th Floor, Lok Nayak Jai Prakash Bhawan,
Frazer Road, Dak Banglow,
Patna, Bihar
PIN-800011

.....Respondent(s)

With

Original Application No.183/2023/EZ

- 1. Vishal Kumar**
S/o Sh. Muchkund Prasad,
R/o Near Police Station,
P.O. & P.S.-Jamua,
Dist.-Giridih,
Jharkhand-815318
Presently R/o-208, Old Ag Co-Operative Colony,
Kadru, P.O.-Doranda,
P.S.-Argora, Dist.-Ranchi, Jharkhand-834001;

.....Applicant(s)

Versus

- 1. Bihar Foundry and Castings Limited,**
Through Chairman,
Main Road, Ranchi, P.O.-G.P.O,
PS- Sadar, District- Ranchi,
Jharkhand-834001;

Also At:- Ramgarh Industrial Area,
Marar Village, Ramgarh (Tehsil & District),
Jharkhand-829117;

- 2. Ministry of Environment, Forest & Climate Change,**
Through Secretary,
Indira Paryavaran Bhawan, Jorbagh Road,
New Delhi – 110003;

3. Jharkhand State Pollution Control Board,

Through Chairman,
E-1, Cti Colon, Dhurwa,
Ranchi-834004, Jharkhand;

4. Central Pollution Control Board,

Through Chairman,
Parivesh Bhawan, East Arjun Nagar,
Delhi-110032;

5. Department of Forest, Environment & Climate Change,

Government of Jharkhand,
Through its Secretary,
Forest Officers' Colony,
P.O. & P.S.- Doranda,
Dist.-Ranchi, Jharkhand-834001;

6. Central Ground water Authority,

Through Member Secretary
18/11 Jamnagar House, Mansingh Road,
New Delhi – 110011

.....Respondent(s)

With

Original Application No.44/2023/EZ

1. Rakesh Shrivastava

S/o Brijraj Srivastava,
Residing at H. No.308,
Near Durga Mandir Tilli,
Sagar. (M.P.), Pin Code-740001;

.....Applicant(s)

Versus

1. Bihar Foundry and Castings Limited,

Service through Managing Director,
Ramgarh Industrial Area,
Marar Village, Ramgarh (Tehsil & District),
Jharkhand-829117;

2. Gautam Ferro Alloys,

A unit of M/s Bihar Foundry and Castings Limited,
Service through the Managing Director,
Ramgarh Industrial Area,
Marar Village, Ramgarh (Tehsil & District),
Jharkhand, Pin Code-829117;

3. Ministry of Environment, Forest & Climate Change,

Through Secretary,
Indira Paryavaran Bhawan, Jorbagh Road,
New Delhi – 110003;

4. Jharkhand State Pollution Control Board,

Through Chairman,
E-1, Cti Colon, Dhurwa,
Ranchi-834004, Jharkhand;

5. Central Pollution Control Board,

Through Chairman,
Parivesh Bhawan, East Arjun Nagar,
Delhi-110032

.....**Respondent(s)**

Date of hearing: 28.01.2025

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

For Applicant(s) : Mr. Puran Sharma, Adv. a/w
Mr. Narender Pal Singh, Adv. and
Mr. Bharat Sharma, Adv. (in Virtual Mode)

For Respondent(s): Mr. Sanjay Upadhyay, Sr. Adv. a/w
Mr. Shubham Upadhyay, AOR,
Ms. Mansi Bachani, Adv. and
Mr. Surya Gupta, Adv. for R-1 & 2,
Ms. Rashhmi Singhee, Adv. for R-3 (in Virtual Mode),
Mr. Surendra Kumar, Adv. for R-4,
Mr. Sibojyoti Chakrabarti, Adv. for R-5 (in Virtual Mode),
Ms. Aishwarya Rajyashree, Adv. for R-6 (in Virtual Mode),
Mr. Ashok Prasad, Adv. for R-7 & 8 (in Virtual Mode)

(in O.A. No.183/2023/EZ)

For Applicant(s) : Mr. Harshit Shekhar, Adv. a/w
Mr. Ankit Burman, Adv.

For Respondent(s): Mr. Sanjay Upadhyay, Sr. Adv. a/w
Mr. Shubham Upadhyay, Adv.,
Ms. Mansi Bachani, Adv. and
Mr. Surya Gupta, Adv. for R-1,
Ms. Anamika Pandey, Adv. for R-2 (in Virtual Mode),
Mr. Surendra Kumar, Adv. for R-3,
Mr. Sibojyoti Chakrabarti, Adv. for R-4 (in Virtual Mode),
Ms. Aishwarya Rajyashree, Adv. for R-5 (in Virtual Mode),
Mr. Gigi C George, Adv. for R-6 (in Virtual Mode)

**(in O.A. No.44/2023/EZ
I.A. No.67/2024/EZ)**

For Applicant(s) : Mr. Anubhav Khastagir, Adv.

For Respondent(s): Mr. Sanjay Upadhyay, Sr. Adv. a/w
Mr. Shubham Upadhyay, Adv.,
Ms. Mansi Bachani, Adv. and
Mr. Surya Gupta, Adv. for R-1 & 2,
Ms. Anamika Pandey, Adv. for R-3 (in Virtual Mode),
Mr. Surendra Kumar, Adv. for R-4,
Mr. Ashok Prasad, Adv. for R-5 (in Virtual Mode)

ORDER
(Original Application No.148/2024/EZ)

1. This Original Application has been filed by the Applicant alleging that the Respondent No.1, Bihar Foundry and Castings Limited ('BFCL' in short), was granted lease of Ferro Alloy Unit for 3.51 acres of land by the State Government in 1985 for a period of 99 years but Environmental Clearance was granted to the Respondent No.1 for 14 acres of land which shows a discrepancy.
2. It is stated that first Environmental Clearance was issued to Respondent No.1 on 31.10.2011. It is also stated that in 2020, the Respondent No.1 executed a lease deed for 3.67 acres of land but the Consent to Operate (CTO) issued by the Jharkhand State Pollution Control Board specifies the total land area as 7.26 acres. At the same time, the Pre-feasibility Report, six monthly Environmental Clearance Compliance Report and Environmental Statement (Form-V) indicates the land area as 7.76 acres which again shows a discrepancy in land area.
3. It is also stated that the Respondent No.1 has failed to obtain the mandatory No Objection Certificate (NOC) and Consent to Establish (CTE) from the Jharkhand State Pollution Control Board for its initial 1 x 5 MVA furnace established in 1996 and its subsequent 1 x 5 MVA furnace established in 1999 which would be seen in the Factory Inspector's letter dated 18.12.1999. It is further stated that NOC was granted by Jharkhand State Pollution Control Board only on 24.02.2000.
4. It is stated that first Consent to Operate (CTO) was obtained by the Respondent No.1 on 12.03.2015. It is also stated that the Respondent No.1 obtained Consent to Establish (CTE) on

20.05.2009 for 1 x 7.5 MVA furnace for production of 30 TPD of SiMn ferro alloy without securing the mandatory Environmental Clearance. It is further stated that Consent to Establish (CTE) a Ferro Alloy Industry falls under Category-A of the Environmental Impact Assessment Notification, 2006.

5. It is stated that there is no Environmental Clearance in the name of the proprietorship firm, M/s Gautam Ferro Alloys Respondent No.2, till date though M/s Gautam Ferro Alloys, is a proprietorship firm owned by the Directors of the Bihar Foundry & Castings Limited and is a distinct entity from Respondent No.1.
6. The Jharkhand State Pollution Control Board has filed affidavit dated 23.11.2024 stating that the officials of the Board have inspected both the Units namely, Bihar Foundry & Casting Limited ('BFCL' for short) and Gautam Ferro Alloys and it was found that both the Units were in operational condition. It is also stated that the BFCL is a duly registered company whereas Gautam Ferro Alloys is not a legal entity. The BFCL has two Units;
 - (i) Unit-I: Sponge Iron captive Power Plant (WHRB) and Induction Furnace Unit.
 - (ii) Unit-II: Ferro Alloys Unit.
7. It is stated that the plot nos. and land area for the two Units of BFCL is correctly stated in the CTO for their respective Units. CTO is valid upto 31.03.2025 for Sponge Iron/WHRB/Captive Power Plant. For the Induction Furnace, it is stated that the CTO is valid upto 31.12.2024. It is stated that according to the lease deed, the total area of the land is 19.50 (0.50 Acres which was acquired for Unit-I; Induction Furnace which is part of Unit-I is within the total

area of 19.50 Acres of Unit-I). The table of the land area has been shown in the affidavit which reads as under:-

<i>Lease Deed on</i>	<i>Plot No.</i>	<i>Area</i>
<i>(1) 01.05.1974</i>	<i>1364 (Part)</i>	<i>14.0 Acres</i>
<i>(2) 28.10.2015</i>	<i>1364 (Part)</i>	<i>05.0 Acres</i>
<i>(3) 09.03.2021</i>	<i>1405 (Part)</i>	<i>0.5 Acres</i>
	<i>Total Area</i>	<i>19.50 Acres</i>

8. It is stated that for the Induction Furnace Unit separate CTO was issued in which the area was mentioned as 19.0 Ha. and a request letter was sent for correcting the typographical error and thereafter, the area was shown as 19.50 Ha. in the CTO for MS Billers submitted to the Jharkhand State Pollution Control Board on 06.04.2023. It is also stated that Induction Furnace and Sponge Iron Units are located within the same premises of 19.50 Acres of Plot No.1364 (P).
9. It is further stated that there are three kilns in Unit-I in BFCL premises. Kiln No.1 & 2 are connected with single ESP with Bag Filter and stack. Kiln No.3 is connected with separate ESP/Bag Filter and stack. Kiln No.2 was found closed during site visit. It is stated that stack 1 and 2 have Online Continuous Emission Monitoring System (OCEMS) which were found functional during the visit; Suspended Particulate Matter (SPM) reading obtained during inspection of **Stack No.1 and 2 was 12.4 mg/Nm³ and 21.9 mg/Nm³** respectively which are within standard limits.
10. It is further stated that there are four Induction Furnaces in **Unit-I** of which every two Induction Furnaces are connected with single fume extraction system, Bar Filter and stack.

11. As regard Unit-II, it is stated that Ferro Alloys Unit of BFCL is established on plot no.1405 (P) having CTO valid upto 31.12.2025.

The details of land area as given in the affidavit read under:-

Lease Deed on	Plot No.	Area
(1) 28.01.1988	1405 (Part)	03.51 Acres
(2) 20.01.2020	1405 (Part)	03.67 Acres
(3) 09.03.2021	1405 (Part)	0.63 Acres
Total Area		7.81 Acres

12. It is stated that Gautam Ferro Alloys has Submerge Arc Furnace ('SAF' for short) which were found operational.

13. The Inspection Report filed with the affidavit reads as under:-

“Fact sheet of M/s Bihar Foundry and Casting Limited (BFCL) in the light of Hon’ble NGT O.A. No. 44/2023/EZ, with O.A No. 183/2023/EZ with O.A. No.148/2024/EZ Vs Bihar Foundry and Casting Limited & Ors. -Regarding

The Site was visited by Regional Officer, Assistant Environmental Engineer, Assistant Scientific Officer, Regional Office. Hazaribagh on dated 04.09.2024 in the presence of Sri Rakesh Kumar Gupta, (GM), Sri Sajay Kumar Dubey (DGM Mechanical) and Sri Ganpati Verma (Senior GM operation) in respect to compliance the above said matter. The document shown and observation found during the visit are as follows:-

1) The officials of Regional office inspected both the industries and which is in operational condition and found that BFCL is a company having Reg. No./ CIN No.U27100J 197LPLC000972 (Annexure-I) Gautam Ferro Alloys in not a legal entity.

a) Sponge Iron captive power plant (WHRB) and induction Furnace : unit -I

b) Ferro Alloys unit -II

2) Unit-I The plot numbers & Land Area for the two units of BFCL are correctly stated in the following CTO for their respective units.

a) CTO No. JSPCB/HO/RNC/CTO – 11688208/2022 345 valid upto 31st March, 2025 (Sponge Iron /WHRB/Captive Power Plant) Annexure-II

b) CTO No. JSPCB/HO/RNC/CTO - 4426528/2019/2376 valid upto 31st December, 2024. (Induction Furnace) Annexure- III

1. Lease Deed on 01.05.1974 Plot no.1364 (Part) Area 14 Acres.
2. Lease Deed on 28.10.2015 Plot no.1364 P Area 5 Acres.
3. Lease Deed on 09.03.2021 Plot no. 1405P Area 1.13 Acres. (Acquired 0.50 Acres for Unit- I)

Total Area -19.50 Acres. (Annexure-IV)

For Induction Furnace which is part of unit I and is within the total area 19.5 acre of Unit -I.

For Induction Furnace unit of separate CTO was issued in which area was mentioned as 19 Hac.

Request letter for correcting the typographical error in Area from 19 Hac. To 19.5 Acres in CTO of M S Billets has been submitted to JSPCB on 06.04.2023 (Copy enclosed herewith as Annexure-V.

Induction Furnace and Sponge Iron unit are located within same premises of 19.50 acres Plot no. 1364 (P).

Similarly, Unit-II-Ferro Alloys is established on Plot no. - 1405 (P). CTO no. JSPCB/HO/RNC/CTO- 4412165/2020/1819 valid upto 31st December, 2025. (Annexure-VI)

1. Lease Deed on 28.01.1988 Plot no. 1405 (Part II) Area 3.51 Acres
2. Lease Deed on 20.01.2020 Plot no. 1405 (Part) CS, C6, D8, C9, C10, F11 & F12, Area 3.67 Acres
3. Lease Deed on 09.03.2021 Plot no. 1405P Area 1.13 Acres (Acquired 0.63 Acres for unit-II)

Total Area - 7.81 Acres. (Annexure-VII)

- 3) EC no. J-11011/310/2009 dated 28.01.2010. Annexure-VIII the company has taken and acquired additional 5.50 Acres in the Industrial Area. The current CTO no. JSPCB/HO/RNC/CTO 4412165/2020/1819 valid upto 31st December 2025 mentioned area as 19.5 Acres. (Annexure- II)
- 4) (A) There are three nos. of kiln in unit 1 (BFCL premises). Kiln no. 1 & 2 are connected with single ESP with Bag filter and stack. Kiln no. 3 is connected with separate ESP/Bag Filter and stack. Koln no. 2 was closed during visit. Stack. no. 1 & 2 has online continuous emission monitoring system. OCEMS were functional during the visit. The SPM (suspended particulate matter) reading obtained during the visit stack-I and stack-II was 12.4 mg/Nm³ respectively which was within standard limit.
- (B) There are four nos. of Induction furnace in the unit — I (BFCL premises). Every two nos. of Induction furnace are connected with single fume extraction system, Bag filter and stack.
- 5) Unit no. — II (Gautam Ferro Alloys unit of BFCL) have four nos. of Submerge Arc Furnace found operational during the visit.
- a) 2 X 5 MVA
- b) 1 X 7.5 MVA
- c) 1 X 9 MVA

The PP has informed that they have CLU unit which is in under construction and 70% work has been completed. Also informed that they are going to installing 5th nos. of Submerge Arc Furnace with capacity of 9 MVA which is not constructed as yet but 90% fabrication work has been completed only 10% civil work is pending.

Point wise reply is depicted below with respect to allegations:-

Sl. No.	Allegations	Reply
1	This Original Application has been filed by the Applicant	MoEF & CC has granted EC vide letter no. F. No. J-

	<i>alleging that the Respondent No.1, Bihar Foundry and Castings Limited ('BFCL' in short), was granted lease of Ferro Alloy Unit for 3.51 acres of land by the State Government in 1985 for a period of 99 years but Environmental Clearance was granted to the Respondent No.1 for 14 acres of land which shows a discrepancy.</i>	<i>11011/384/2010-IA-II (I), Dated 31 Oct., 2011 Annexure-IX for total area of 14 Acres. It has again considered land area of 7.26 Acres and issued TOR vide letter no. F. No. J-11011/384/2010-IAII (I) dated 24 Nov. 2020 by MoEF CC.</i>
<i>2</i>	<i>It is stated that first Environmental Clearance was issued to Respondent No.1 on 31.10.2011. It is also stated that in 2020, the Respondent No.1 executed a lease deed for 3.67 acres of land but the Consent to Operate (CTO) issued by the Jharkhand State Pollution Control Board specifies the total land area as 7.26 acres, the same time, the Pre-feasibility Report, six monthly Environmental Clearance Compliance Report and Environmental Statement (Form-VI indicate the land area as 7.76 acres which again shows discrepancy in land area.</i>	<i>(A) The Applicant has mentioned 7.26 Acres of land in its CTO application i.e. it is automatically opted the area of the land i.e. 7.26 Acres.</i> <i>(B) Lease deed on 09.03.2021 Area. 1.13 Acres (0.50 Acres office building of BFCL and rest 0.63 Acres add to unit-II). Hence total Area of BFCL unit-II is 7.81 Acres.</i> <i>(C) PP informed that consultant appointed for Pre-feasibility report has taken measurement the Area through satellite which is comes to 7.76 Acres instead of 7.81 Acres.</i>
<i>3</i>	<i>It is also stated that the Respondent No.1 has failed to obtain the mandatory No</i>	<i>Copy of CTE not available in R.O. Office.</i>

	<i>Objection Certification (NOC) and Consent to Establish (CTE) from the Jharkhand State Pollution Control Board for its initial 1 x 5 MVA furnace established in 1996 and its subsequent 1 x 5 MVA furnace established in 1999 which would be se in the Factory Inspector's letter dated 18.12.1999. It is further stated that NOC was granted by Jharkhand State Pollution Control Board only on 24.02.2000.</i>	
4	<i>It is stated that first Consent to Operate (CTO) was obtained by the Respondent No.1 on 12.03.2015. It is also stated that the Respondent No.1 again obtained Consent to Establish (CTE) on 20.05.2009 for 1 x 7.5 MVA furnace for production of 30 TPD of Si-Mn ferro alloy without securing the mandatory Environmental Clearance. It is further stated that Consent to Establish (CTE) a Ferro Alloy Industry which falls under Category- A of the Environmental Impact Assessment Notification, 2006.</i>	<i>EC for 1 x 7.5 MVA Furnace not required as per EIA notification 14 Sept., 2006 that time.</i>
5	<i>It is stated that there is no</i>	<i>M/s Bihar Foundry &</i>

	<i>Environmental Clearance in the name of the proprietorship firm, M/s Gautam Ferro Alloys Respondent No.2, till date though it is stated that M/s Gautam Ferro Alloys, is a proprietorship firm owned by the Director of the Bihar Foundry & Castings Limited and is a distinct entity from Respondent No.1.</i>	<i>Castings Ltd. BFCL is a company having Reg. No./CIN NO.U27100J197LPL000972 and other industry namely Gautam Ferro Alloys in not a legal entity. As per incharge of the BFCL, Gautam Ferro Alloys is only a calling name for the Ferro Alloys unit of Bihar Foundry & Casting Ltd.</i>
6	<i>It is alleged that the Respondent No.1 have fraudulently utilized the Environmental Clearances issued in the name of Respondent No.1 to obtain Consent to Operate (CTO) for M/s Gautam Ferro Alloys. It is also alleged that the Respondent No.1 has altered its product mix without obtaining the requisite prior Environmental Clearance.</i>	<i>Gautam Ferro Alloys is not a legal entity and is only a calling name for the Ferro Alloys unit of Bihar Foundry & Casting Ltd. Production is being done as per CTO.</i>
7	<i>and though the sanctioned production capacities were 26 TPD for Si-Mn and 30 TPD for Si-Mn and 40 TPD Fe-Si/Fe-Mn but the Respondent No.1 has not adhered to these stipulations and has instead manufactured its product as per its convenience thereby resulting in unauthorized changes to the product mix.</i>	<i>Production is being done as per EC & CTO.</i>

8	<i>It is also alleged that the Respondent No.1 has been storing raw materials outside the plant premises without obtaining requisite Consent to Establish (CTE) and Consent to Operate (CTO) from the Jharkhand State Pollution Control Board and has also not obtained necessary permissions for such storage.</i>	<i>Raw materials not found outside the premises. However PP has informed that they store slag temporarily adjacent to the BFCL unit-II for which lease execution is under process.</i>
9	<i>It is further alleged that the Respondent No.1 has not obtained a valid Consent to Establish (CTE), Consent to Operate (CTO) or Environmental Clearance for the operation of CLU Converter used for manufacturing Low Carbon/Medium Carbon Ferro Manganese and despite absence of these mandatory approvals, the Respondent No.1 is manufacturing and selling Low Carbon/Medium Carbon Ferro Alloys to customers including major entities such as sail and others domestic and international consumers.</i>	<i>The Board has filed compliant case in the Hon'ble CJM Court, Ramgarh (Copy enclosed) Annexure-XIII Environmental Compensation has been imposed for the violation. Unit has submitted the Environmental Compensation.</i>

14. The Central Pollution Control Board in its affidavit dated 23.11.2024 with regard to the various paragraphs of the Original Application has declined comments stating that the matter pertains to the

either Central Ground Water Board or State Pollution Control Board.

15. The Central Ground Water Board has filed affidavit dated 11.11.2024 stating that the Respondent No.1, Bihar Foundry and Casting Limited, had applied for NOC to abstract ground water through online application. After scrutiny of the application, the Central Ground Water Board being satisfied a NOC for ground water abstraction was issued in favour of M/s Bihar Foundry and Casting Limited vide NOC dated 02.02.2021 for 35 m³/day (12775.00 m³/year) valid from 02.01.2021 to 01.01.2024. It is stated that thereafter, application for renewal of the NOC was made vide application 02.09.2023 and the NOC has thereafter been issued vide order dated 18.10.2023 valid from 02.01.2024 to 01.01.2027.

(Original Application No.183/2023/EZ)

16. 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.
17. 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.
18. 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) is to be issued till the project is granted Environmental Clearance.

19. In para 4 of this letter, it is 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, the 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.
20. 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 case 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 Standard Operating Procedure (SOP) of identification and handling for projects under violation.
21. The letter also mentions that the Committee observed that Jharkhand State Pollution Control Board has filed a case in the

Court of Magistrate 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 the Environment (Protection) Act, 1986.

22. The Central Ground Water Authority has filed further affidavit dated 09.04.2024 stating that the Respondent No.1, Bihar Foundry and Casting Limited, had applied for NOC to abstract ground water vide its application dated 01.10.2019 which was duly considered and thereafter, NOC for ground water abstraction was issued in favour of M/s Bihar Foundry and Casting Limited vide NOC dated 02.02.2021 for 35m³/day (12775.00 m³/year) valid from 02.01.2021 to 01.01.2024 and abstraction charges amounting to Rs.76,550/- were also deposited by the Project Proponent for the period from 24.09.2020 during the period of processing of the application. Subsequently, the NOC has also been renewed vide order dated 18.10.2023 valid from 02.01.2024 to 01.01.2027.
23. The Applicant has alleged that the Respondent No.1 has setup a Ferro Alloys Production Unit at Plot No.1405 (P) in Ramgarh Industrial Area, Ramgarh, Jharkhand without prior mandatory Environmental Clearance and statutory Consents under the Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981. It is also alleged that the Respondent No.1 is running a Metallurgical Industry and has almost tripled its capacity without Environmental Clearances. The details of the production capacity have been given in the table in the Original Application reads as under:-

<i>Production without EC</i>	<i>Final expanded continuing production without EC</i>
2x5+1x7.5+1x9 MVA	2x6+3x9 MVA SAF's +1x12T per

SAF (Submerge Arc Furnaces) Ferro Alloys SiMin/Fe Min	batch CLU Converter with matching associate facilities Product Mix SiMin-165TPD (58,575 TPD) or HC/MC/LC FeMn-265 TPD (94,75 TPA) depending on market scenario/demand.
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24. It is stated that the Respondent No.1 is a primary Metallurgical Industry with activity 3(a), requiring prior mandatory Environmental Clearance. It is stated that the Respondent No.1 applied for Environmental Clearance for expansion of Ferro-Alloy Plant by installing SAF (9 MVA x 1=40 TPD) at Plot No.1405, Ramgarh Industrial Area, Marar Village, Ramgarh District, Jharkhand which was in addition to Ferro-Alloy (2x5 MVA) with a production of 26 TPD (Tonnes Per Day) for (Silico/Manganese) and Ferro-Alloy (7.5 MVA) having a capacity of 30 TPD of Silico/Manganese. Environmental Clearance was granted on 31.10.2011. It is alleged that for the other units no Environmental Clearance was either applied or granted. It is stated that on 24.11.2020, the Respondent No.2 granted Terms of Reference (ToR) to the Respondent No.1 for modification cum expansion in the existing Ferro-Alloy for entire operations [2x6+3x9 MVA SAF's + 1x12T per batch CLU Converter] with matching associate facilities Product Mix Si/Man – 165 TPD (58,575 TPD) or HC/MC/LC Fe/Mn -265 TPD (94,075 TPA) depending on market scenario/demand without knowing that the Respondent No.1 had caused grave environmental violations. It is alleged that the Respondent No.1 had mislead the Respondents by stating that there was no violation on its part and, therefore, when in fact, it was engaged in the

production of Ferro-Alloy i.e. Activity 3 (a) of EIA Notification, 2006 without Environmental Clearance leading to environmental loss, damage and degradation. The contention of the Applicant further is that the MoEF & CC has issued Notification 07.07.2021 providing that in case of violation where no existing Environmental Clearance (EC) is present, the project must be closed down and once a violation is identified, no Consent to Operate (CTO) can be granted by respective State Pollution Control Board till the time of grant of Environmental Clearance and in spite of this condition in the OM dated 07.07.2021, the project was granted Consent to Operate (CTO) even while an application for grant of Environmental Clearance was still pending for consideration before the Expert Appraisal Committee (EAC). It is also stated that the Respondent No.1 applied for Environmental Clearance under expansion and the EAC (Industry-I) in its 44th Meeting held on 13-14th September, 2021 returned the proposal since it involved violations and attracted the provisions of OM dated 07.07.2021 regarding SOP for identification and handling of violation cases. It is further stated that the Respondent No.1, Plant, was treated as a violation case to be handled as per OM dated 07.07.2021. It is stated that the Minutes of Meeting of the 24th EAC (Industry-I) held on 28.02.2023-01.03.2023 provided a condition precedent of no further construction to be carried out by Respondent No.1 unless and until there is prior permission/approval by the Respondent No.2, MoEF & CC.

25. It is alleged by the Applicant that the entire project is pending consideration by the EAC for approval of Environmental Clearance

and until such time as the Environmental Clearance is not finally granted, the entire project must be closed down.

26. The Applicant has filed Rejoinder Affidavit dated 05.08.2024 stating that it has now completed the construction and installation of CLU converter in its Ferro-Alloy Unit and is producing low carbon ferro alloy even when it has not obtained Environmental Clearance for the same till date. Reference has been made to the Annexure filed with the affidavit which is the purchase order to show that the Respondent No.1 has received a purchase order from Steel Authority of India (SAIL) for supply of low carbon ferro alloy and the work order has been issued to the tune of Rs.112,86,00,000/- (Rupees One Hundred Twelve Crores Eighty Six Lakhs only).
27. Further Rejoinder Affidavit dated 06.08.2024 has been filed by the Applicant alleging that the Ground Water Authority has issued NOC for abstraction of groundwater for 35 CM³/day whereas in general practice 1Kl/tonne water is required for production of ferro alloy using silico-manganese and thus, the Respondent No.1 is over drawing groundwater as its production capacity would be 96 TPD when the ferro alloy plant is operating in full capacity.
28. The Central Pollution Control Board in its affidavit dated 24.05.2024, with regard to the various paragraphs of the Original Application, has stated that no comments are required and the matter pertains to either the Central Ground Water Board or the State Pollution Control Board.
29. Affidavit dated 12.03.2024 has been filed by the Respondent No.1, M/s Bihar Foundry and Casting Limited, stating that it has two industrial units located in Ramgarh Industrial Area, Ramgarh of which Unit-I is a Sponge Iron Captive Power Plant (CPP) and

Induction Furnaces Unit, whereas Unit-II is a Ferro Alloys Unit. The Clearance in favour of the Unit-I are given in a table in the affidavit which reads as under:-

Environmental Permission	Unit-I Bihar Foundry and Castings Limited, having Captive Power Plant (WHRB) and Induction Furnaces Unit	Date of Issue	Date of Validity
Environmental Clearance	J-11011/310/2009-IA. II(I)	28.01.2010	-
Consent to Operate	Sponge Iron & Power No. JSPCB/HO/RNC/CTO-11688208/2022/345 Induction Furnace No. SPCB/HO/2025/RNC/CTO-4426528/2019/2376	25.03.2022	31.03.2025 31.12.2024
Hazardous Waste Authorization	No. JSPCB/RO/HZB/HWM6758830/2019/7	30.12.2019	30.09.2024
CGWA NOC	CGWA/NOC/IND/ORIG/2021/13540	26.03.2021	25.03.2024

30. So far as Unit-II is concerned, the Clearances in its favour are also given in a table which reads as under:-

Environmental Permission	Unit-II Bihar Foundry and Castings Limited, having Ferro Alloys	Date of Issue	Date of Validity
Environmental Clearance	J-11011/384/2010-IA. II(I)	30.10.2011	-
Consent to Operate	No. JSPCB/HO/RNC/CRO4412165/2020/1819 (issued in the Name of M/s. Bihar Foundry & Castings Ltd. Unit Ferro Alloy)	10.11.2020	31.12.2025
		Name of unit in CTO has been corrected to Bihar Foundry & Castings Ltd. Ferro Alloys Units (Auto Renewal), Ref. No.3141.	
Hazardous Waste Authorization	No. JSPCB/HO/RNC/HWM678737/2022/46	27.10.2022	30.09.2024
CGWA NOC	CGWA/NOC/IND/ORIG/2021/10628	02.01.2021	01.01.2024
Renewed CGWA NOC	CGWA/NOC/IND/REN/1/2023/8413	02.01.2024	01.01.2027

31. It is further stated that in respect of the Ferro Alloys Unit, issuance of Environmental Clearance (non-violation) has been recommended by the Ministry of Environment, Forests and Climate Change in its 24th Expert Appraisal Committee Meeting in respect of the modification cum expansion proposal subject to certain conditions. It is stated that the Respondent No.1 has in substance, complied

with the terms and conditions stipulated in the Environmental Clearance dated 28.01.2010 for Unit-I and Environmental Clearance dated 31.10.2011 for Unit-II.

32. It is stated that the Respondent No.1 has been granted Environmental Clearance dated 28.01.2010 in respect of its proposal for expansion of Stell Plant (Sponge Iron Plant), 99,000 TPA; ingots and billets, 75,000 TPA; MS structures and bars; 49,500 TPA and Captive Power Plant 10 MW and the proposal for grant of the Environmental Clearance has been recommended by the Expert Appraisal Committee (EAC) subject to stipulations of certain conditions including Environmental conditions.
33. It is also stated that the Respondent No.1 applied for amendment of Environmental Clearance dated 28.01.2010 owing to increase in the capacity of Captive Power Plant from 10 MW to 15 MW which was accepted on the recommendations of the Environment Assessment Committee (Industry-I) and amendment of the original Environmental Clearance dated 28.01.2010 was granted subject to stipulations of certain conditions.
34. It is also further stated that in March, 2020, the Respondent No.1 moved an application vide its proposal dated 07.03.2020 for expansion in the SMS shop (replacement of the existing 2x3T+6t IF with 3x10T IF) for Terms of Reference (ToR). In the Terms of Reference (ToR) dated 31.03.2020, the Respondent No.1 further applied for fresh Terms of Reference which was granted on 08.02.2023. It is stated that Environmental Clearances were issued on 13.09.2023. It is also stated that in the 40th Environment Assessment Committee Meeting held on 19th July, 2023 to 21st July, 2023, the proposal of Environmental Clearance for expansion

of Unit-I (Sponge Iron through DRI Kilns from 99,000 TPA to 4,05,375 TPA, WHRB Based Power generation from 5.0 MW to 29 MW, New AFBC Power Plant of 8.0 MW Capacity, MS Billets/Hot Billets through Induction Furnace from 48,000 TPA to 1,58,400 TPA, Rolled products through New Rolling Mill of 1,65,000 TPA & New Slag Crusher of 120 TPD) was considered and Environmental Clearance was issued on 13.09.2023.

35. It is further stated that as regards Unit-II, proposal had been submitted for expansion of Ferro Alloys Plant by the Respondent No.1 by installation of fourth SAF (MVA x 40 TPD). The proposal was considered by the Environment Assessment Committee (Industry-I) held during 19th May, 2011 to 20th May, 2011 and again re-considered by the EAC in its 26th Meeting held between 21st July, 2011 and 22nd July, 2011, and based on its recommendations Environmental Clearance of the said expansion was issued vide letter dated 31.10.2011. It is stated that online proposal dated 12.09.2020, for Terms of Reference (TOR) for expansion of existing Unit-II for manufacturing ferro alloys SiMn and FeMn based on Sub-merged Arch (SAF) technology by installing a new fifth furnace (1x9 MVA SAF) and a 12 MT per batch CLU (Converter for refining HC FeMn to MC/LC Fe Mn and modification of existing furnace by change in transformer capacities was submitted. ToR was granted on 24.11.2020 after placing the said proposal as per conditions contained in the Standard Operating Procedure (SOP) dated 07.07.2021 issued by MoEF & CC. However, same was treated as a violation case since 5th furnace had already been constructed; the modified Terms of Reference (TOR) stipulated additional conditions in respect of the 5th furnace

and the proposal for amendment to the TOR was considered by the EAC (Industry-I) in its 16th Meeting dated 03.11.2022 and the same was recommended and accordingly amendment to the TOR dated 19.12.2022 was granted in favour of Respondent No.1.

36. It is also stated that the proposal for expansion of Environmental Clearance in respect of Unit-II was considered and recommended by the Environmental Assessment Committee (EAC) in its 24th Meeting held on 28.02.2023 under the violation category as per provisions of the Standard Operating Procedure (SOP) dated 07.07.2021; it is stated that the Respondent No.1 submitted Bank Guarantee for an amount of Rs.21.815 lakhs towards Remediation Plan and Natural and Community Resource Augmentation Plan with the Central Pollution Control Board, prior to grant of Environmental Clearance. It is stated that the Bank Guarantee would be released by the Central Pollution Control Board after successful implementation of the Remediation Plan and Natural Community Resource Augmentation Plan; it is also stated the Respondent No.1 was required to submit Rs.89.896 lakhs towards penalty as per Standard Operating Procedure (SOP) dated 07.07.2021. It is stated that the Respondent has paid the penalty of Rs.89.2896 lakhs to the State Pollution Control Board and has also furnished the Bank Guarantee of Rs.21.815 lakhs with the Central Pollution Control Board.
37. It is stated that while the matter is still under consideration before the MoEF & CC, the Hon'ble Supreme Court vide its order dated 02.01.2024 passed in *W.P. (C) No.1394/2023, Vanshakti Vs. Union of India & Ors.*, has stayed the operation of the OM dated

07.07.2021 being the Standard Operating Procedure dated 07.07.2021 and 28.01.2022 issued by the MoEF & CC.

38. The contention of the Respondent No.1 is that since the grant of Environmental Clearance was already under consideration before the MoEF & CC and the Respondent No.1 had already paid the requisite penalties in terms of the Standard Operating Procedure (SOP) under the MoEF & CC OM dated 07.07.2021, the grant of Environmental Clearance ought not to have been stalled.
39. The Applicant has in its Rejoinder Affidavit dated 18.11.2024 alleged that in the Environmental Clearance dated 31.10.2011, the area of the Ferro Alloy Plant is shown as 14 acres but in the Consent to Operate (CTO) dated 10.11.2020, the land area of the Ferro Alloy Plant is shown as 7.26 acres which has been done in order to avoid compliance of the requirement of the 40% Green Belt Area in the Ferro Alloy Plant. It is also stated that the Respondent No.1 is at present supplying low carbon ferro alloys which is a product of its CLU converter even though Environmental Clearance for setting up and installing the CLU converter has not been issued till date.
40. The Respondent No.4, Jharkhand State Pollution Control Board, has filed affidavit dated 27.01.2024 bringing on record an order dated 06.09.2024 passed under Section 33 (A) of the Water (Prevention and Control of Pollution) Act, 1974 read with Section 31 (A) of the Air (Prevention and Control of Pollution) Act, 1981 whereby directions have been issued to the Respondent No.1, Unit, which are as under:-

“a) To apply and obtain name change in Consents (CTE/CTO) for the existing project in the name of M/s. Bihar Foundry and Castings Limited;

b) To inform the concerned Authorities after getting the name change in Consents (CTE/CTO) for the existing project in the name of M/s. Bihar Foundry and Castings Limited;

c) Not to operate the violation part of the Plant, till the permission for operating the same is obtained from the Competent Authorities.

d) Not to exceed the production capacity as mentioned in the CTO issued vide Board's ref. no. JSPCB/HO/RNC/CTO-4412165/2020/1819, dated 10.11.2020 without obtaining prior CTE/CTO from the Board."

These directions are complied with within thirty days failing which a closure order for closure of the Unit may be passed.

(Original Application No.44/2023/EZ)

41. The Original Application No.44/2023/EZ has been filed by the Applicant alleging therein that the Environmental Clearance dated 30.10.2011 has been issued by MoEF & CC to the Respondent No.1 for expansion of its Ferro Alloy Plant by installing SAF. It is alleged that the Respondent No.1 has used this clearance to obtain permission for Consent to Operate (CTO) for the proprietorship firm in the name and style of M/s Gautam Ferro Alloys i.e. Respondent NO.2 herein. It is also alleged that in the Environmental Clearance 33% of 14 acres of land is shown to be Green Belt for Plot No.1364 which is issued for Sponge Iron Plant whereas Respondent No.2 and its Ferro Alloy Plant is situated on Plot No.1405 which also extends to 14 acres and thus, 33% Green Belt is separately required for running of the Ferro Alloy Plant. It is stated that considering that 28 acres of total land area comprising Ferro Alloy Plant belonging to Respondent No.2 and Sponge Iron Plant belonging to Respondent No.1, the total area for Green Belt should

be 9.24 acres being 33% of 28 acres but the total area reserved for green belt by the Respondent Nos.1 and 2 is less than even 4 acres. It is also stated that the Respondent No.2, Gautam Ferro Alloys has taken permission for drawl of only 33 Kl water which is insufficient for production of 34,000 tonnes ferro alloys and there is no alternative source of water for Respondent No.2 and the fact that the plant is still running at full capacity can only imply that the Respondent No.2 is engaged in illegal drawl of groundwater to meet its water requirements.

42. It is further stated that the Respondent No.1 in its pre-feasibility report submitted along with the Environmental Clearance application dated 07.09.2022 shows the proposed expansion of 24,495 Tonnes per Annum (TPA) for Silico Manganese and 59,995 TPA for Ferro Manganese but the quantity of proposed slag production against this expansion is shown as 18,850 TPA for Silico Manganese and 28,780 TPA for Ferro Manganese which is impossible to achieve.
43. The Respondent No.4, Jharkhand State Pollution Control Board has filed affidavit dated 25.07.2023 bringing on record the Inspection Report of an inspection carried out on 13.05.2023 which reads as under:-

“Inspection Report of Committee constituted by the Hon’ble National Green Tribunal, Eastern Zone, Kolkata in Rakesh Shrivastava vs. M/s Bihar Foundry & Casting Ltd. & Others in O.A. No.44/2023/EZ.

(1) The petitioner’s grievance relates to alleged violation of environmental laws and norms.
The Tribunal, vide its order dt. 28.04.2023 constituted a 3-member committee to verify the factual position on the

ground, regarding compliance of above condition. The committee comprising of

1. Sri M.R. Prasad, Scientist “C” (representative Ministry of Environment, Forest and Climate Chane (MoEF & CC)”, Regional Office, Ranchi).
2. Sri Toufic Aslam, Scientist “C” (representative Central Pollution Control Board, Regional Directorate, Kolkata).
3. Sri A.K. Yadav (representative Jharkhand State Pollution Control Board, which acted as the Nodal Agency).

This report presents the findings emerging observations made and discussions held with the respondent during the field visit on 13/05/2023, and perusal of related documents by the committee.

BIHAR FOUNDRY & CASTING LTD. “BFCL” STATEMENT OF NGT ORDER DATED 28/04/2023

S. No.	Points	Statement																					
Para 2	The grievance relates to alleged violation of environmental laws and norms by M/s. Gautam Ferro Alloys and Bihar Foundry and Casting Limited (hereinafter referred to as “BFCL”) by expanding and running their factories without obtaining Environmental Clearance (hereinafter referred to as “EC”) and other requisite permissions/consents. It is said that consent to establish and consent to operate was issued in the	Bihar Foundry & Castings Ltd. is a company having Registration No./CIN No.U27100JH 197 LPLCOOO972, PAN No.AABCB 1852D, GST No.AABCB1852DIZI, IEC No. 2193000298 has two industrial units located in Ramgarh Industrial Area, Ramgarh. Gautam Ferro Alloys is not a legal entity and is only a calling name for the ferro alloys unit of Bihar Foundry & Castings Ltd. As reported by the Unit’s representative with affidavit. Annexure no. 1. (1) Sponge Iron, Captive Power Plant (WHRB) and Induction Furnaces unit and (2) Ferro Alloys two separate premises. The Details of requisite Clearance/permission of these two industrial units. The status of EC, CTE & CTO of the two industrial units of BFCL- is tabulated below:- <table><tr><td>Environmental Clearance</td><td colspan="3">Unit-I Bihar Foundry and Castings Ltd., having Captive Power Plant (WHRB) and Induction Furnaces Unit</td><td colspan="3">Unit-II Bihar Foundry and Castings Ltd. having Ferro Alloys</td></tr><tr><td>Environmental Clearance</td><td>J-11011/310/2009-IA.II (I)</td><td>28.01.2010</td><td>-</td><td>J-11011 /384/ 2009-IA.II (I)</td><td>31.10.2011</td><td>-</td></tr><tr><td>Consent to Operate</td><td>Sponge Iron & Power No. JSPCB/ HO/ RENC/ CTO/ -</td><td>25.03.2022</td><td>31st March, 2025</td><td>No. JSPCB/ HO/</td><td>11.11.2020</td><td>31st Dec. 2025</td></tr></table>	Environmental Clearance	Unit-I Bihar Foundry and Castings Ltd., having Captive Power Plant (WHRB) and Induction Furnaces Unit			Unit-II Bihar Foundry and Castings Ltd. having Ferro Alloys			Environmental Clearance	J-11011/310/2009-IA.II (I)	28.01.2010	-	J-11011 /384/ 2009-IA.II (I)	31.10.2011	-	Consent to Operate	Sponge Iron & Power No. JSPCB/ HO/ RENC/ CTO/ -	25.03.2022	31 st March, 2025	No. JSPCB/ HO/	11.11.2020	31 st Dec. 2025
Environmental Clearance	Unit-I Bihar Foundry and Castings Ltd., having Captive Power Plant (WHRB) and Induction Furnaces Unit			Unit-II Bihar Foundry and Castings Ltd. having Ferro Alloys																			
Environmental Clearance	J-11011/310/2009-IA.II (I)	28.01.2010	-	J-11011 /384/ 2009-IA.II (I)	31.10.2011	-																	
Consent to Operate	Sponge Iron & Power No. JSPCB/ HO/ RENC/ CTO/ -	25.03.2022	31 st March, 2025	No. JSPCB/ HO/	11.11.2020	31 st Dec. 2025																	

	name of M/s. Gautam Ferro Alloys but the said consent is being used commonly by two Proponents namely, M/s. Gautam Ferro Alloys and M/s. BFCL in an illegal manner. Since both the proponents are independent entities, consent issued to one could not have been utilized by another unit.		11688208/2022/345			RNC/ CTO 04412165 /2020/ 1819 (issued in the Name of M/s Bihar Foundry & Castings Ltd. Unit Gautam Ferro Alloys)				
				28.11.2019	31 st Dec. 2024	Name of unit in CTO has been corrected to Bihar Foundry & Castings Ltd. Ferro Alloys Unit (Auto Renewal), Ref. No.1341				
		Hazardous Waste Authorization	No. JSPCB/RO/ HZB/ HWM6758830/ 2019/ 7	30.12.2019	30 th Sep. 2024	No. JSPCB/ HO/ RNC/ HW 6758737/ 2022/ 46	27.10.2022	30 th Sep. 2024		
		CGWA NOC	CGWA/NOC/IND/ORIG/ 2021/ 13540	26.03.2021	25 th March, 2024	CGWA/ NOC/ IND/ ORIG/ 2021/ 10628	02.01.2021	1 st Jan., 2024		
		<table><tr><th>Ferro Alloys Unit</th><th>Sponge Unit</th></tr><tr><td>MOEF&CC in its 24th Expert Appraisal meeting has considered the company for modification -cum expansion proposal (under violation) on 1st March 2023 and recommended issue of E.C. (under violation) subject to certain condition which is being complied by the company.</td><td>MOEF&CC in its 20th Expert Appraisal meeting has considered the proposal expansion of sponge iron, captive power plant and steels billet unit and decided the issue TOR.</td></tr></table>							Ferro Alloys Unit	Sponge Unit
Ferro Alloys Unit	Sponge Unit									
MOEF&CC in its 24 th Expert Appraisal meeting has considered the company for modification -cum expansion proposal (under violation) on 1 st March 2023 and recommended issue of E.C. (under violation) subject to certain condition which is being complied by the company.	MOEF&CC in its 20 th Expert Appraisal meeting has considered the proposal expansion of sponge iron, captive power plant and steels billet unit and decided the issue TOR.									
Para 3	It is further said that EC was issued in the	As mentioned in para 2 Bihar Foundry & Castings Ltd. is a company having Registration No./CIN No.U27100JH 197								

	name of M/s. BFCL but for obtaining consent to operate for M/s. Gautam Ferro Alloys, said EC was used. M/s. Gautam Ferro Alloys is a proprietorship Firm while M/s. BFCL is a company incorporated under the provisions of Companies Act and is a separate entity. directors/promoters The of BFCL have fraudulently used EC issued in the name of M/s BFCL for obtaining consent to operate for M/s. Gautam Ferro Alloys.	LPLCOOO972, PAN No. AABCB 1852D, GST No. AABCB1852D1ZI, IEC No. 2193000298 is having two industrial units i.e. A) Sponge Iron, Captive Power Plant (WHRB) and Induction Furnaces unit and B) Ferro Alloys unit in the Ramgarh Industrial Area in two separate premises.
Para 4	It is further said that there is misrepresentation in areas of M/s. Ferro Alloys and Sponge Iron Plant. EC was obtained by Bihar Foundries & Casting Ltd. on 28.01.2010 for the sponge iron plant located at Plot No. 1364 admeasuring 14 Acres. Further, Bihar Foundries also obtained clearance for Ferro Alloys Plant located at Plot No. 1405 admeasuring 14 Acres on 31.10.2011.	The Plot numbers & Land Area for the two units of BFCL are correctly stated in the following CTO for their respective units. a) CTO No. JSPCB /HO/RNC/CTO- 11688208/ 2022/345 valid upto 31st March 2025 (Sponge Iron/ WHRB/ Captive Power Plant) b) CTO No.SPCB/HO 2025 /RNC/CTO-4426528/2019/2376 valid upto 31st December, 2024. (Induction Furnace) 1. Lease Deed on 01.05.1974 Plot No. 1364 (part) Area 14 acre. 2. Lease Deed on 28.10.2015 Plot No. 1364P Area 5 acre. 3. Lease Deed on 29.11.2018 Plot No.1405P Area 0.50 Acres Total Area – 19.50 acres. For induction furnaces which is part of unit I and is within the total area 19.5 acre of Unit-I. For induction furnace unit of separate CTO was issued in which area was mentioned as 19 Ha. Request letter for correcting the typographical error in Area from 19

	<i>This shows that BFCL has total 28 Acres of area for its two plants of ferro alloys and sponge iron each admeasuring 14 acres. However, in the Consent to Operate dated 05.01.2016, obtained by M/s. Gautam Ferro Alloys which is situated on Plot No. 1405, shows its area to be 7.26 Acres only whereas the area of Sponge Iron Plant in Consent to operate dated 28.11.2019 is shown as 19 Hectare which is around 47.5 Acres.</i>	<i>Ha. to 19.5 acres in CTO of M S Billets has been submitted to JSPCB on 06.04.2023 (copy enclosed herewith as annexure-2).</i> <i>Induction Furnace and Sponge Iron unit are located within same premises of 19.50 acres Plot No.1364(P).</i> <i>Similarly, Unit-II- Ferro Alloys is established on Plot No.1405 (P).</i> <i>CTO No. JSPCB/HO/RNC/CTO4412165/2020/ 1819 valid upto 31st December 2025.</i> <i>1. Lease Deed on 28.01.1988 Plot No.1405P (part J1) Area 3.51 acre</i> <i>2. Lease deed on 20.01.2020 Plot No.1405P (part)C5, C6, D8, C9, C10, F11 & F12) Area 3.67 acres Total Area - 7.18 acres.</i>
Para 5	<i>EC dated 28.01.2010 was issued to BFCL for its sponge iron plant situated at Plot No. 1364 admeasuring 14 acres only and it has fraudulently obtained consent to operate sponge iron plant at land area admeasuring 47.5 Acres. It clearly shows that BFCL is blatantly violating the environment laws by defrauding and misrepresenting before the 3 appropriate authorities and</i>	<i>EC No. J-11011/310/2009-1A II(I) dated 28.01.2010. The Company has taken an acquired additional 5.50 acres in the industrial area. The current CTO No. JSPCB/HO/RNC/CTO4412165/2020/1819 dated: 31st December 2025 mentioned area as 19.50 acres.</i>

	suppressing the relevant information pertaining to its plants.	
Para 6	There is also non compliance of requirement of maintaining 33% area as green belt. Ground water is being illegally drawn and there is also separation in quantity of slag dump. Further alleged violations are summarized in the form of chart in the letter petition as under:	Unit-I: The process of Development of green belt within the plant premises. Plantation has been carried out using native species. Details on plantation carried out are. Tree sapling upto 2021-22- 4620 nos. Area Covered- 4.62 acres which is 33% of 14 acres land. Unit-II: As observed at site, the project has developed plantation all along the boundary of the industry. However, due to constraints of space within the plant, the project proponent has acquired additional land, outside the plant measuring around 1 acre and 10 decimals over which it is proposed to grow plantation. The project proponent has given an undertaking that they would grow green belt as stipulated by the next monsoon. The project proponent has purchased 5000 nos. of plants from Bihar State Forest Department in July 2022 and 1140 numbers of plants from M/s Shalimar Sadabahar Nursery during October, 2022 for plantation.  In addition to green belt area within the plant premises of the two units of the company in the industrial area, the Forest Department, Ramgarh will take up development of Green Belt (reforestation) of an area of 3.50 hectars in the survey plot no 1423/ 1 which will be 32%. 

	Letter No.724 dated 17.04.2023 which is received from Forest Department, Ramgarh. Unit I and II total land 26.680 acres 40% area is 10.672 acres on green belt has been developed and adjacent land 3.50 Ha. (8.650 acres) which is procured from the Forest Department in addition to existing green belt area of land. Unit- I Ground Water abstraction NOC for Bihar Foundry & Castings Ltd.- NOC for withdrawal of 300 KLD underground water has been granted by CGWA vide letter No.CGWA/NOC/IND/ORIG/2021/13540 from 26.03.2021 to Valid up to-25.03.2024. Unit-II Ground Water abstraction NOC for Bihar Foundry & Castings Ltd. (Ferro Alloys Unit) - NOC for withdrawal of 35 KLD underground water has been granted by CGWA vide Letter No. CGWA/NOC/IND/ORIG/2021/10628 dated 02.01.2021 with validity up to 01.01.2024. Unit-I & II Permission for withdrawal of water from River Damodar vide letter no. MD/DVRR/W-6(145)/2022/738-43 dated 20.12.2022 from WRD, Govt. of Jharkhand for water permission to the quantity of 0.598 MCM for both units i.e. DRI unit & adjacent Ferro Alloy unit. Solid Waste Management- <table><tr><th>Solid Waste</th><th>Mode of Disposal</th></tr><tr><td>Char</td><td>Char is being and would continue to be sold to nearby AFBC based Power Plant located in the industrial cluster. GST Invoice of sold Char is enclosed as annexure-5</td></tr><tr><td>Silo Dust</td><td>Both the solid wastes generated are to be used for filling up the low-lying area of Ramgarh area. Copy of the letter received from Ramgarh Municipality is enclosed as annexure-6</td></tr><tr><td>Slag</td><td>Both the solid wastes generated are to be used</td></tr></table>	Solid Waste	Mode of Disposal	Char	Char is being and would continue to be sold to nearby AFBC based Power Plant located in the industrial cluster. GST Invoice of sold Char is enclosed as annexure-5	Silo Dust	Both the solid wastes generated are to be used for filling up the low-lying area of Ramgarh area. Copy of the letter received from Ramgarh Municipality is enclosed as annexure-6	Slag	Both the solid wastes generated are to be used
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			for filling up the low-lying area of Ramgarh area. Ref annexure-6	
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Environment Status:

		Status	Statement
Air	Stipulation of conditions such as:		
	i.	Stack emission levels should be stringent than the existing standards in terms of the identified critical pollutants.	CEMS (Continuous Stack Emission Monitoring System) are installed in both DRI & Ferro Alloys unit with connectivity to the server of JSPCB & CPCB. The real time online data for PM is continuously visible in the portal JSPCB & CPCB. (A copy of data is enclosed herewith as annexure-4).
	ii	CAAQMS may be installed in all large/medium red category industries (air polluting)	PM ₁₀ Analyzer is installed in this plant with connectivity to JSPCB server and data is continuously visible in the public domain in the JSPCB website “www.jspcb.nic.in”. PM ₁₀ values are always within the prescribed limit of 100 macro gram/m3. (Copy of data is enclosed herewith as annexure-5).
	iii	Effective fugitive emission control measures should be imposed in the process, transportation, packing etc.	Transportation of raw materials/ solid wastes is ensured through covered trucks only. Unit has installed - 69 Nos of fixed water sprinklers & 100 Nos. of Fog nozzles for water spraying. Bag filters are installed at all the vulnerable

			points at coal and iron ore screening section, crusher house, product house, cooler discharge, intermediate bins, coal in ejection points of DRI plant and dust extraction system. <i>Details of Bag Filter:</i> In dust prone areas Water Sprinkling is also done using Water Tankers. Major raw material is kept in closed shed Conveyor belts are used where ever required. Unit has dust sweeping machine mounted on tractor and dust sweeping is carried out regularly through this road sweeping machine. No fugitive emission control system was observed at the raw material unloading point of Sponge Iron manufacturing unit.
	iv	Transportation of materials by rail/conveyor belt wherever feasible.	Major raw material transportation is done by rail up to the nearest railway station and from there by road in tarpaulin covered truck. Hence road transport is minimised.
	v	Encourage use of cleaner fuels (pet coke/furnace Oil/LSHS may be avoided.	Unit is not using pet coke, furnace oil or LSHS.
	vi	Best Available Technology may be used for dust collection.	A dust sweeping machine installed on tractor regularly sweeps dust from all the transport roads.

	vii	<i>Increase of green belt cover by 40% of the total land area beyond the permissible requirement of 33%, wherever feasible.</i>	<i>Unit-I: The process of Development of green belt within the plant premises. Plantation has been carried out using native species. Details on plantation carried out are.</i> <i>Tree sapling upto 2021-22-4620 nos.</i> <i>Area Covered – 4.62 acres which is 33% land of 14 acres.</i> <i>Unit-II: As observed at site, the project has developed plantation all along the boundary of the industry. However, due to constraints of space within the plant, the project proponent has acquired additional land, outside the plant measuring around 1 acre and 10 decimal over which it is proposed to raise plantation.</i> <i>The project proponent has given an undertaking that they would raise green belt as stipulated by the next monsoon. The project proponent has purchased 5000 nos. of plants from Bihar State Forest Department in July 2022 and 1140 numbers of plants from M/s Shalimar Sadabahar Nursery during October, 2022 for plantation.</i> <i>Letter No.724 dated 17.04.2023 which is received from Forest</i>
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			<i>Department, Ramgarh.</i> <i>Unit I and II total land 26.680 acres of 40% area is 10.672 acres in green belt developed and adjacent land 3.50 Ha. (8.650 acres) which is procured from the Forest Department in addition to existing green belt area of land.</i> <i>Unit- I Ground Water abstraction NOC for Bihar Foundry & Castings Ltd.- NOC for withdrawal of 300 KLD underground water has been granted by CGWA vide letter No. CGWA/NOC/IND/ORIG/2021/13540 from 26.03.2021 to Valid up to- 25.03.2024.</i>
	<i>viii</i>	<i>Stipulation of greenbelt outside the project premises such as avenue plantation, plantation in vacant areas, social forestry, etc.</i>	<i>Avenue plantation on road side has been carried out.</i>
	<i>ix</i>	<i>Assessment of carrying capacity of transportation load on roads inside the industrial premises. If the roads required to be Carrying capacity of the roads has not been assessed by the 4 widened, shall be prescribed as a condition.</i>	<i>Site is adjacent to Ramgarh City Road & NH # 20 (Ranchi – Hazaribagh) is at a distance of 7.0 Kms. Nos. of trucks required after expansion project will be 50 trucks /day or transporting raw materials, products and wastes. Existing road is capable of taking the additional vehicular traffic due to the proposed expansion.</i>

Water	Stipulation of conditions such as:		
	i	Reuse/recycle of treated waste water, wherever feasible.	No waste water is discharged outside the plant premises. Entire process water is recycled and reused. Thus, it is maintaining Zero Liquid Discharge. 
	ii	Continuous monitoring of effluent quality/quantity in large and medium Red Category Industries (water polluting).	Regular monitoring of Effluent analysis is carried out by NABL accredited Laboratory.
	iii	A detailed water harvesting plan may be submitted by the project proponent.	A detailed water harvesting plan has already being submitted on 30.11.2022 at IRO MoEF & CC, Ranchi.
	iv	Zero liquid discharge wherever techno economically feasible.	ZLD is properly maintained.
	v	In case, domestic waste water generation is more than 10 KLD, the industry may install STP.	Waste domestic water generation in our Ferro Alloys plant is less than 10 KLD.
Land	Stipulation of conditions such as:		
	i	Increase of greenbelt cover by 40% of the total land area beyond the permissible requirement of	1. For Unit I, 14.00 acres land has been given by state Govt. for industrial purpose on lessee for 99 years in 1974 and for

		33%, wherever, feasible for new projects.	Unit II, 3.51 acres land has been given by state Govt. for industrial purpose on lessee in 1985 for 99 years and for Unit-I, 5.50 acres land has given by state Govt. for industrial purpose in the year 2015 and 2018 for 30 years. for Unit-II, 3.67 acres land has given by state Govt. for industrial purpose in the year 2020 for 30 years. Total area of land for Unit I & II is 26.680 acres. Of which 40% area is 10.672 Acres has been kept for green belt development and another land adjacent to the plant measuring area 3.50 Ha. (8.650 acres) has been procured from the Forest Department in addition to existing green belt area of land. (A copy of Letter No.724 dated 17.04.2023 is enclosed herewith as annexure 6).
	ii	Stipulation of greenbelt outside the project premises such as avenue plantation, plantation in vacant areas, social forestry, etc.	Avenue plantation on road side has been carried out.
	iii	Dumping of waste (fly ash, slag, red mud, etc.) may be permitted only at designated locations approved by SPCBs/PCCs.	Not applicable as it is a Ferro Alloy plant. (Permission of municipality is enclosed.

	iv	More stringent norms for management of hazardous waste. The waste generated should be preferably utilized Inco processing.	We have obtained Authorization for Hazardous Waste disposal from Jharkhand State Pollution Control Board vide Ref. No. JSPCB/RO/HZB/HWM-6758830/2019/7 dated 30.12.2019 for Bihar Foundry & Castings Limited and vide Ref. No. JSPCB/HO/RNC/HWM-6758737/2022/46 dated 27.10.2022 for Ferro Alloys unit separately.
Other Conditions (Additional)			
	i	Monitoring of compliance of EC Conditions may be submitted with third party audit every year.	As per EC condition Environmental Monitoring is done regularly by third party NABL accredited Laboratory duly registered by Jharkhand State Pollution Control Board and reports are submitted to MOEF & CC and JSPCB on regular basis.
	ii	Corporate social Responsibility	Socio-economic development activities like community development program, educational program, drinking water supply and health care etc. is being done regularly in the surrounding villages. Details have already been submitted to MoEF & CC IRO Ranchi.
	iii	The % of the CER may be at least 1.5 times the slabs given in the OM dated 01.05.2018 for SPA and 2 times for CPA in case of Environmental Clearance.	BFCL has well laid Environmental Management System in place and established environment department with senior level.

OTHER OBSERVATIONS:

It was observed by the committee that the project had stored raw materials well covered with polythene sheets within their premises. It was stated that this was purely temporary and the storage was due to construction and repair activities undertaken within the project area. It has been assured that they would remove all the raw materials stored outside within two months.

CONCLUSION:

The members of the Joint Committee, after visiting the Sites, going through the documents/reports submitted by the project authorities are of the opinion that there are certain non-compliances to the conditions stipulated in the statutory clearances obtained observed for both the industrial units. It is also submitted by the project authorities that there have been some mistakes committed by the project proponents while filing up the forms submitted Jharkhand State Pollution Control Board, thereby resulting in discrepancies in the figures relating to the land area for which action is being taken by them for rectification.”

44. The Respondent No.3, Ministry of Environment, Forests and Climate Change, has filed its affidavit dated 10.01.2024 stating that the Project Proponent had submitted its proposal for expansion of Ferro Alloy Plant by installing of SAF and sought Environmental Clearance under the EIA Notification, 2006. It is stated that the proposal was considered by the EAC (Industry-1) in its 24th Meeting held on 19th -20th May, 2011 and by EAC in its 26th Meeting held on 21st -22nd July, 2011 and thereafter, Environmental Clearance was granted subject to stipulation of specific conditions along with other environmental conditions on 31.10.2011. It is also stated that the Project Proponent submitted an online application dated 12.09.2020 for Terms of Reference (TOR) for expansion of the

existing Unit for the manufacturing of ferro alloys Silicon-Manganese (SiMn) and Ferro-Manganese (FeMn) based Sub Merged Arc (SAF) Technology and TOR has been granted vide letter dated 24.11.2020. Thereafter, another application for TOR was submitted by the Project Proponent stating that they have constructed the 5th furnace i.e. new 1x9 MVA SAF and CLU converter, without prior EC. Thus, the Project Proponent agreed that Environmental Clearance violation has been committed. It is stated that after detailed deliberations, the EAC recommended the proposal for modification in TOR dated 24.11.2020 with respect to appraisal of the proposal under the violation category as per the provisions contained in the MoEF & CC Standard Operating Procedure (SOP) dated 07.07.2021 pertaining to violation cases. It is also stated that the proposal for seeking amendment to the TOR was appraised by the EAC (Industry-1) in its 16th Meeting held on 03.11.2022 and amendment to the TOR dated 19.12.2022 has been granted by the MoEF & CC.

45. It is further stated that the EC proposal for expansion of Unit-II i.e. Ferro Alloys Unit, was considered and recommended by the EAC in its 24th Meeting held on February 28 - March 1, 2023 under the violation category, as per provision of SOP dated 07.07.2021. The Project Proponent was required to submit a Bank Guarantee of an amount of Rs.21.815 lakhs towards Remediation Plan and Natural and Community Resource Augmentation Plan with the Central Pollution Control Board prior to grant of EC. The Project Proponent was also required to submit Rs.89.296 lakhs towards penalty provisions as per SOP dated 07.07.2021. It is stated that the Project Proponent has deposited a Bank Guarantee of Rs.21.815

lakhs and penalty amount of Rs.89.296 lakhs to the Central Pollution Control Board and the State Pollution Control Board respectively.

46. It is further stated that the recommendations of the EAC for grant of Environmental Clearance of Unit-II i.e., Bihar Foundry and Castings Ltd., Ferro Alloys, was under consideration in the MoEF & CC under the violation category contained in the MoEF & CC SOP dated 07.07.2021 but in the meantime the Hon'ble Supreme Court vide its order dated 02.01.2024 passed in *W.P.(C) No.1394/2023, Vakshakti Vs. Union of India & Ors.*, has stayed of operation of the OM dated 07.07.2021 and 28.01.2022.
47. Rejoinder affidavit dated 04.09.2024 has been filed by the Applicant reiterating that the Respondent No.1 is illegally operating the CLU converter and work order has been issued to the Steel Authority of India Limited which has already been noted by us hereinabove.
48. Affidavit in opposition dated 21.02.2024 has been filed by the Respondent No.1 reiterating the contents of their earlier affidavit which have already been noted hereinabove in detail. It is stated that M/s Gautam Ferro Alloys is not a private limited company and there has never been a deliberate representation of M/s Gautam Ferro Alloys as a private limited company.
49. The Applicant has filed his exceptions to the Report alleging that the Respondent Authorities have failed in conducting proper inspection of the Respondent No.1, Bihar Foundry and Castings Limited, and that the Committee has failed to give any findings with respect to the issues raised in the Original Application. Objections have also been raised to the constitution of the Inspection Committee and it is stated that the Tribunal had directed the

Inspection Committee to comprise of (1) Senior Scientist/Environmental Engineer, Jharkhand State Pollution Control Board, (2) Senior Scientist/Environmental Engineer, Integrated Regional Office, Ranchi, Ministry of Environment, Forests and Climate Change, and (3) Senior Scientist/Environmental Engineer, Central Pollution Control Board but instead the Committee consisted of Grade 'C' Scientist which are lower in rank and expertise to the Senior Scientist. The Applicant has also raised objection to the Respondent No.1 claim that Gautam Ferro Alloys is merely a calling name for the Ferro Alloys Unit of M/s Bihar Foundry and Castings Limited and is not a separate legal entity. It is stated that the Director of M/s Bihar Foundry and Castings Limited in its affidavit filed before the Hon'ble High Court at Calcutta had stated that Gautam Ferro Alloy is a proprietorship firm which shows that it is a separate legal entity. Neither the reference of the proceedings before the Hon'ble High Court of Calcutta, nor copy of the affidavit nor order of the Hon'ble High Court has been placed before us. It is also stated that the data entered for its stacks by the Respondent No.1 in the Online Emission Monitory System (OEMS) shows that the name of the Ferro Alloy Unit as Gautam Ferro Alloys Private Limited.

50. Further rejoinder affidavit dated 27.02.2024 has been filed by the Applicant again reiterating the contents of its Original Application and affidavits on record.
51. We have heard the learned Counsel for the parties and perused the documents on record.
52. The Applicant has not placed before us any document to show that Gautam Ferro Alloys is proprietorship firm or a legal entity. The

Respondent No.1 has two Industrial Units located in Ramgarh Industrial Area, Ramgarh. Ferro Alloys has two separate premises having Environmental Clearance (EC), Consent to Establish (CTE) and Consent to Operate (CTO) for the two Industrial Units of BFCL. MoEF & CC in its 24th Expert Appraisal Meeting has considered the company for modification cum expansion proposal, under violation in terms of OM dated 07.07.2021, on 01.03.2023 and has recommended issuance of EC subject to condition required to be complied by the company for the Ferro Alloys Unit. However, Consent to Operate (CTO) issued by Jharkhand State Pollution Control Board dated 10.11.2022 is in the name of Gautam Ferro Alloys (page nos.396-400 in O.A. No.148/2024/EZ) cannot be discounted.

We, therefore, direct Jharkhand State Pollution Control Board to take necessary action in accordance with law to rectify the discrepancies.

53. So far as the Sponge Unit is concerned, MoEF & CC in its 20th Expert Appraisal Meeting has considered the proposal for expansion of Sponge Iron, Captive Power Plant and Steels Billet Unit and has decided to issue ToR. Sponge Iron/WHRB/Captive Power Plant has been issued Consent to Operate (CTO) upto 31.03.2025; Induction Furnace has been issued Consent to Operate (CTO) valid upto 31.12.2024 by the Jharkhand State Pollution Control Board; the lease deed for Plot No.1364 (P) dated 01.05.1974 is for an area of 14 acres; lease deed of Plot No.1364 (P) of an area 5 acres is dated 28.10.2015; lease deed for Plot No.1405 (P) of an area 0.50 acres dated 29.11.2018 = 19.50 acres. Induction Furnaces of Unit-I are within the total area of 19.5 acres of Unit-I;

For Induction Furnace Unit, separate Consent to Operate (CTO) was issued in which the area was mentioned as 19 Ha. Thereafter, request letter for correction was submitted to Jharkhand State Pollution Control Board on 06.04.2023 to correct and show the area as 19.5 acres instead of 19 Ha. of M S Billets; Induction Furnace and Sponge Iron Unit are located within the same premises of 19.50 acres of Plot No.1364 (P); Unit-II Ferro Alloys is established on Plot No.1405 (P); lease deed for Plot No.1405 (P) (Part J1) for area 3.51 acres is dated 28.01.1988; lease deed for Plot No.1405 (P) (Part) C5, C6, D8, C9, C10, F11 & F12, area 3.67 acres is dated 20.01.2020 = total area 7.18 acres. The Inspection Report further discloses that the company has acquired additional 5.50 acres in the industrial area and the current Consent to Operate (CTO) is valid upto 31.12.2025 for area of 19.50 acres.

54. As regards Green Belt Plantation within the Plant premises, it is mentioned that plantation has been carried out using native species, planting 4620 saplings upto 2021-22. The area under tree cover is 4.62 acres which is 33% of 14 acres of the land. In Unit-II, the Project Proponent has developed plantation along the boundary of the industry but due to constraints of space within the plant, the Project Proponent has acquired additional land, outside the plant measuring about 1.10 acres over which it proposes to carry out further plantation for which undertaking has been given by the Project Proponent to complete the Green Belt by the next monsoon; Project Proponent has purchased 5000 plants from Bihar State Forest Department in July, 2022 and 1140 plants from M/s Shalimar Sadabahar Nursery during October, 2022 for plantation; it is stated that in addition to Green Belt area within the plant

premises of the two Units of the company in the industrial area, the Forest Department, Ramgarh will take up development of Green Belt (reforestation) of an area of 3.50 Ha. in the survey Plot No.1423/1 which will be 32%; of the total land 26.680 acres of Unit-I and Unit-II, 40% of the total area is 10.672 acres on which Green Belt has been developed and adjacent land of 3.50 Ha. (8.650 acres) has been procured from the Forest Department in addition to the existing Green Belt area of land.

55. The Inspection Committee has noted that Unit-I has a valid NOC for abstraction of groundwater of 300 KLD granted by CGWA valid from 26.03.2021 – 25.03.2024; Unit-II has a valid NOC for abstraction of groundwater for withdrawal of 35 KLD granted by CGWA valid from 02.01.2021 – 01.01.2024; Unit-I and Unit-II also have been granted permission dated 20.12.2022 for withdrawal of water from River Damodar from the Water Resource Department, Government of Jharkhand, for a quantity of 0.598 Million Cubic Meters (MCM) i.e. DRI Unit & adjacent Ferro Alloy Unit.
56. As regards Solid Waste Management, the Inspection Report mentions that Char is being disposed of and sold to the nearby AFBC based Power Plant located in the industrial cluster. As regards Silo Dust, it is stated that both solid wastes generated are to be used for filling up low-lying areas of Ramgarh. As regard Slag, it is stated that both solid wastes generated are to be used for filling up low-lying areas of Ramgarh.
57. Under the head **‘Environment Status’**, the Inspection Report mentions that Continuous Stack Emission Monitoring System (CEMS) are installed in both DRI & Ferro Alloys Unit with connectivity to the server of Jharkhand State Pollution Control

Board & Central Pollution Control Board and real time online data for Particulate Matter, i.e. PM is continuously visible in the portal of the Jharkhand State Pollution Control Board and the Central Pollution Control Board; as regards CAAQMS, it is mentioned that PM₁₀ Analyzer has been installed in the Plant with connectivity to Jharkhand State Pollution Control Board server and data is continuously available in the public domain; PM₁₀ values are within the prescribed limit of 100 micro gram/m³.

58. As regards Effective Fugitive Emission Control Measures, the Inspection Report mentions that transportation of raw material/solid waste is ensured through covered trucks only; the Unit has installed 69 fixed water sprinklers and 100 Fog nozzles for water spraying; Bag Filters are installed at all vulnerable points at coal and iron ore screening sections, crusher house, product house, cooler discharge, intermediate bins, coal injection points of DRI Plant and dust extraction system; in dust prone areas Water Sprinkling is done using water tankers; major raw material is kept in closed shed Conveyor Belts wherever required; Unit has dust sweeping machine mounted on tractor and dust sweeping is carried out regularly; No Fugitive Emission Control System was observed at the raw material unloading point of Sponge Iron manufacturing Unit.

We, therefore, direct the Jharkhand State Pollution Control Board to take steps in this direction to ensure that the Respondent No.1 installs Fugitive Emission Control Systems within a period of two months.

59. With regard to transportation of material by rail/conveyor belt, the Inspection Report mentions that major raw material transportation

is done by rail up to the nearest Railway Station and from there by road in tarpaulin covered trucks; Unit is not using pet coke, furnace oil or LSHS; dust sweeping machine installed on tractor regularly sweeps dust from all the transport roads.

60. With regard to increase in Green Belt cover by 40% of the total land area beyond the permissible 33%, the Inspection Report has noted that for Unit-I 14.00 acres of land has been given by the State Government for industrial purpose on lease for 99 years in 1974 and for Unit-II 3.5 acres land has been given by the State Government for industrial purpose on a lease of 99 years from 1985 and for Unit-I 5.5 acres of land has been given by the State Government in 2015 and 2018 for 30 years; for Unit-II 3.67 acres of land has been given by the State Government for industrial purpose in the year 2020 for 30 years. Thus, the total land area of Unit-I and Unit-II is 26.680 acres 40% of which is 10.672 acres which has been kept for Green Belt development and another land area adjacent to the Plant measuring 3.50 acres (8.650 acres) has been procured from the Forest Department for Green Belt area; avenue plantation on road side has been carried out by the Respondent No.1; permission for hazardous waste disposal has been obtained from Jharkhand State Pollution Control Board vide reference dated 30.12.2019 for Bihar Foundry and Castings Ltd. and reference dated 27.10.2022 for Ferro Alloys Unit.
61. Under the head '**Additional Conditions**', the Inspection Team has noted that Environmental Monitoring is done regularly by third party i.e. a NABL accredited Laboratory duly registered with the Jharkhand State Pollution Control Board and reports are submitted to MoEF & CC and JSPCB on regular basis.

62. Under the head '**Corporate Social Responsibility**', it is mentioned that social-economic development activities like community development programme, educational programme, drinking water supply and healthcare etc. is being regularly done in the surrounding villages; the Report mentions that BFCL has well laid Environmental Management System in place and established Environment Department.
63. Mr. Sanjay Upadhyay, learned Senior Counsel for Respondent No.1 submitted that though the Respondent No.1 has installed the 5th Furnace and CLU Converter without Environmental Clearance being actually granted by the MoEF & CC but the EAC had recommended issuance of Environmental Clearance and ToR had also been granted by the MoEF & CC and, therefore, the said Respondent cannot be said to be in violation of Environmental norms as in any case its proposal for expansion was under consideration by the Expert Appraisal Committee when the interim order was granted by the Hon'ble Supreme Court on 02.02.2024 staying the OM (SOP) dated 07.07.2021 issued by the MoEF & CC. Learned Senior Counsel further referred to the interim order granted by the Hon'ble Supreme Court and submitted that Hon'ble Supreme Court had clarified that the orders dated 02.01.2024 would not come in the way of the Competent Authorities in considering the proposals for modifications/alterations in the Environmental Clearances if area of such project had any valid Environmental Clearances prior to 07.07.2021 and needless to state that such applications for modifications/alterations would be considered by the Competent Authorities strictly in accordance with law as it existed prior to 07.07.2021. Learned Senior Counsel

therefore, submitted that the OM dated 07.07.2021 having been stayed by the Hon'ble Supreme Court the case of the Respondent No.1 for grant of Environmental Clearance could not have been treated as a violation case and Environmental Clearance should have been granted in view of the recommendations of the Expert Appraisal Committee in its 24th Meeting held on February 28 – March 1, 2023. Learned Senior Counsel further submitted that the Project Proponent had already submitted the Bank Guarantee amount of Rs.21.815 lakhs and also penalty amount of Rs.89.296 lakhs to the Central Pollution Control Board and Jharkhand State Pollution Control Board respectively. However, the fact remains that case of Respondent No.1 has been considered by the MoEF & CC and agreed by Project Proponent under violation category as mentioned in Para-44.

64. Mr. Sanjay Upadhyay, learned Senior Counsel further mentions the clarification made by Hon'ble Supreme Court on 02.02.2024. The order of the Hon'ble Supreme Court passed in W.P. (C) No.1394/2023, *Vanashakti Vs. Union of India & Ors.*, dated 02.02.2024, reads as under:-

“I.A. Nos. 25197, 25309 and 25150 of 2024

- 1. The application (IA No. 25150 of 2024) for intervention is allowed.*
- 2. The applicant(s) approached this Court seeking modifications/alterations of the order dated 02nd January, 2024.*
- 3. Vide order dated 2nd January, 2024, we had granted stay of operation of the Office Memoranda dated 07th July, 2021 and 28th January, 2022 issued by the Ministry of Environment, Forest and Climate Change.*

4. Mr. A.N.S. Nadkarni and Mr. Puneet Bali, learned senior counsels appearing for the applicant(s) submit that though their projects had acquired environmental clearances much prior to the Office Memoranda dated 07th July, 2021 and only certain modifications/alterations are required therein, the same cannot be considered in view of the order dated 2nd January, 2024.

5. We clarify that our orders dated 02nd January, 2024 would not come in the way of the competent authorities in considering the proposals for modifications/alterations in the Environmental Clearances if area of such projects had any valid environmental clearances prior to 07th July, 2021.

6. Needless to state that such applications for modification/alteration would be considered by the competent authorities strictly in accordance with law as it existed prior to 07th July, 2021.

7. We further clarify that our order should not be construed as having stayed any proceedings before any High Courts touching the subject matter of the Office Memoranda, referred to above.

8. The applications are, accordingly, disposed of.

I.A. Nos. 13975, 16527, 21877, 21878 and 24981 of 2024

1. Mr. Gopal Sankaranarayanan, learned senior counsel appearing for the petitioner-Vanashakti seeks four weeks' time to file reply affidavit to these applications.

2. List these applications alongwith main matter after four weeks."

65. We note that in paragraph-5 & 6 of the said interim order, the Hon'ble Supreme Court has clearly held that the previous order of 02.01.2024 would not come in the way of the Competent Authorities in considering the proposals for

modifications/alterations in the Environmental Clearances if area of such project had any valid Environmental Clearances prior to 07.07.2021 and that such applications for modifications/alterations would be considered by the Competent Authorities strictly in accordance with law as it existed prior to 07.07.2021.

66. The Standard Operating Procedure (SOP) under the OM dated 07.07.2021 mentions that:

- i. Action has to be initiated against Section 15 read with Section 19 of the Environment (Protection) Act, 1986 **against all violations.**
- ii. Projects not allowable/permissible for grant of EC, as per extant regulations: **To be demolished.**
- iii. Projects allowable/permissible, if EC had been taken as per extant regulations: **To be closed until EC is granted (if no prior EC has been taken) or to revert to permitted production level (in case prior EC has been granted).**
- iv. **Polluter pays:** violators to pay for violation period – proportionate to the scale of project and extent of commercial transaction.
- v. Setting up mechanism for reporting of violation to the regulatory authority(ies).

67. We may also note that subsequently the order dated 02.02.2024 was further clarified vide order dated 17.12.2024. The order dated 17.12.2024 passed in *W.P. (C) No.1394/2023, Vanashakti Vs. Union of India & Ors.*, reads as under:-

“1. This Court is examining the validity of the Office Memorandum dated 7th July, 2021. This Court has stayed the operation of the Office Memorandum dated 7th July, 2021.

Therefore, the applications made under clause 10(iii) of the Office Memorandum dated 7th July, 2021 cannot be entertained so long as the order of stay continues to operate. If the applicants have made applications under a provision other than clause 10(iii) of the Office Memorandum dated 7th July, 2021, it is obvious that the interim order does not come in the way of the applicants. To put it differently, no one can act upon the said Office Memorandum. If the case of the applicants is covered by clauses 5 to 7 of the order dated 2nd February, 2024 passed by this Court, it will be always open for the applicants to invite attention of the concerned authorities to the said fact.

2. Subject to what is observed above, the Applications are disposed of. Consequently, the applications seeking exemption from filing official translation also stand disposed of.

(1) IA No. 100111/2024 (APPROPRIATE ORDERS/DIRECTIONS) AND (2) IA No. 203965/2024 (CLARIFICATION/DIRECTION)

3. Ms. Aishwarya Bhati, learned ASG, submitted that she is not seeking any relief in terms of these applications at this stage and the same may be considered along with the main Writ Petition. Ordered accordingly.

(II) APPLICATIONS SEEKING INTERVENTION:

(1) IA NO. 203838/2024 FOR INTERVENTION FILED ON BEHALF OF NBCC (INDIA) LIMITED

4. The Application is allowed.

(1) IA NO.185580/2024 (FOR INTERVENTION); (2) IA NO.284149/2024 (FOR INTERVENTION); (3) IA NO.151027/2024 (FOR INTERVENTION); (4) IA NO.190487/2024 (FOR INTERVENTION); (5) IA NO.60609/2024 (FOR INTERVENTION); (6) IA NO.281790/2024 (FOR INTERVENTION) (7) IA NO.166248/2024 (FOR INTERVENTION)

5. We are not inclined to entertain these Applications. The same are, accordingly, disposed of.

(III) APPLICATIONS SEEKING IMPLEADMENT:

IA NO. 100108/2024 FOR IMPLEADMENT FILED ON BEHALF
OF HSCC (INDIA) LIMITED

6. The Application seeking impleadment as a party respondent is allowed. The amended cause title shall be filed within a period of one week from today.

(1) IA NO.66486/2024 (FOR IMPLEADMENT); (2) IA NO.263584/2024 (FOR IMPLEADMENT); AND (3) IA NO.250732 (FOR IMPLEADMENT)

7. We are not inclined to entertain these Application. The same are, accordingly, disposed of.

WRIT PETITION (CIVIL) NO(S).1394/2023

8. List the Petition for final hearing on 19th February, 2025 in first five matters.”

The case of Respondent No.1 was under consideration of MoEF & CC under OM dated 07.07.2021 which cannot be operated as mentioned as Para-67 above.

68. Mr. Sanjay Upadhyay further submitted that the Unit of the Project Proponent may not be closed down as hundreds of employees are working in the Unit and the Unit is also contributing to the economy of the country and, therefore, the Unit may be allowed to function subject to any further which may be passed by the Hon’ble Supreme Court in W.P. (C) No.1394/2023.
69. Mr. Sanjay Upadhyay further referred to an interim order passed by the Hon’ble Supreme Court in *S.L.P (C) Diary No.49103/2024, Fatima Vs. Union of India & Ors.*, passed on 06.01.2025 and submitted that the Hon’ble Supreme Court with reference to the OM dated 19.02.2021 and 07.07.2021 has directed that if any applications are pending for grant of post facto clearances on the basis of OMs dated 19.02.2021 and 07.07.2021, the same shall be

processed. However, the final order granting approval shall not be passed till further orders. The order dated 06.01.2025 reads as under:-

“Delay condoned.

Leave granted.

To be heard along with Writ Petition (C) No.1394/2023.

The operative part of the impugned order reads thus:

“29. Ergo, the sequitur is,

- (i) *Captioned three W.Ps., namely W.P. (MD) Nos.8866 of 2021, 11757 of 2021 and W.P. No.18829 of 2021 are allowed in the aforesaid manner, impugned Oms dated 19.02.2021 and 07.07.2021 issued by MoEF are quashed/set aside but prospectively albeit with a window to three ongoing/completed projects as set out elsewhere supra in this order. Consequently, connected Writ Miscellaneous Petitiones threat are closed. There shall be no order as to costs:”*

We direct that if any applications are pending for grant of post facto clearances on the basis of OMs dated 19.02.2021 and 07.07.2021, the same shall be processed. However, the final order granting approval shall not be passed till further orders.”

70. The submission of Mr. Sanjay Upadhyay, learned Senior Counsel is for grant of post-facto, Environmental Clearance (EC), and post-facto Environmental Clearance (EC) for violation cases were to be considered by MoEF & CC under OM dated 07.07.2021. We may observe that the Hon’ble Supreme Court has made it clear in its order dated 17.12.2024 that it is examining the validity of the OM dated 07.07.2021 and hence, any application under the OM cannot be entertained till the stay order is in operation. However, in the interim order dated 17.12.2024, the Hon’ble Supreme Court has

clarified that “if the case of the applicants is covered by clauses 5 to 7 of the order dated 2nd February, 2024 passed by this Court, it will be always open for the applicants to invite attention of the concerned authorities to the said fact.” Therefore, the submission put forth by learned Counsel for Respondent No.1 that the Unit be allowed to function cannot be accepted and is rejected.

- 71. We accordingly dispose of these Original Applications with a direction that if the Respondent No.1 has any grievance with regard to grant of Environmental Clearance, he may represent before the Ministry of Environment, Forests and Climate Change (MoEF & CC).
- 72. Needless to say, the question as to whether the Respondent No.1 would be liable for Environmental Compensation for environmental violations in installing the 5th furnace and CLU Converter without Environmental Clearance, or whether the industry should be closed on account of Environmental violations the said question would be subject to any final orders which may be passed by the Hon’ble Supreme Court.
- 73. I.As., if any, stand disposed of accordingly.
- 74. There shall be no order as to costs.

.....
B. Amit Sthalekar, JM

.....
Dr. Arun Kumar Verma, EM

January 28, 2024,
Original Application No.148/2024/EZ
With Original Application No.183/2023/EZ and
Original Application No.44/2023/EZ
MN