

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

Original Application No.21/2022/EZ

IN THE MATTER OF:

M/s Greenland Waste Management Enterprise,
Represented through its Partner Subhankar Maity,
DD-30, Salt Lake,
Kolkata-700064,

.....Applicant(s)

Versus

1. State of Jharkhand,
Through Chief Secretary,
1st Floor, Project Building,
Dhurwa, Ranchi-834004;

2. Ministry of Environment, Forests and Climate Change,
Through Secretary,
Indira Paryavaran Bhawan, Jor Bagh Road,
Government of India, New Delhi-110003;

3. State Environment Impact Assessment Authority,
Member Secretary,
Dhurwa, Ranchi, Jharkhand-834004;

4. Jharkhand State Pollution Control Board,
Member Secretary,
Dhurwa, Ranchi, Jharkhand-834004

.....Respondent(s)

Date of hearing: 15.04.2024

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

For Applicant(s) : Mr. Abhrajit Ray Chowdhury, Advocate (in Virtual Mode)

For Respondent(s): Ms. Aishwarya Rajyashree, Advocate for R-1 (in Virtual Mode),
 Ms. Rashmi Singhee, Advocate for R-2 (in Virtual Mode),
 Mr. Ashok Prasad, Advocate for R-3,
 Mr. Surendra Kumar, Advocate for R-4,

ORDER

1. We have heard Mr. Abhrajit Ray Chowdhury, learned Counsel appearing (in Virtual Mode) for the Applicant as well as Ms. Aishwarya Rajyashree, learned Counsel appearing (in Virtual Mode)

for Respondent No.1, State of Jharkhand, Ms. Rashmi Singhee, learned Counsel appearing (in Virtual Mode) for Respondent No.2, Ministry of Environment, Forests and Climate Change, Mr. Ashok Prasad, learned Counsel appearing for Respondent No.3, SEIAA, Jharkhand, and Mr. Surendra Kumar, learned Counsel appearing for Respondent No.4, Jharkhand State Pollution Control Board.

2. This Original Application has been filed by the Applicant with the prayer that directions be issued to SEIAA/MoEF&CC to consider its application for grant of Environmental Clearance (EC) and also to allow the applicant to continue working of the Common Bio-medical Waste Management Treatment Facility, Pakur Site (Santhal Division).
3. It is stated that the applicant has established a Common Bio-medical Waste Management Treatment Facility, Pakur (Santhal Division) and all its construction has been monitored and approved by the State Advisory Committee (SAC).
4. It is also stated that Applicant has also applied for issuance of NOC & CO Certificate to Circle Officer and issuance of NOC & DFO Certificate to the Department of Environment, Forests and Climate Change for the proposed sites.
5. There is no averment in paragraphs 4 of the Original Application under the heading 'Facts of the Case' that the applicant has already established and started operating his Bio-Medical Waste Treatment Facility, Pakur (Santhal Division) but in the Synopsis and in Ground-M there is an averment to that effect.
6. The Relief No.3 claimed in the Original Application also indicates that the Applicant had already started his operations of Common Bio-Medical Waste Treatment Facility without there being any

Environmental Clearance or Consent to Operate. Among the documents appended to the Original Application is a note mentioning the Minutes of Meeting of State Advisory Committee (SAC) (page No. 130 of the paper book) in which Mr. Kamlesh Pandey, Member Secretary, SEIAA and one Mr. R.L. Bakshi, Member Secretary, Jharkhand State Pollution Control Board who attended the meeting are Members. In this Minutes of the Meeting, it has only been recorded that the Agency has informed that they have obtained the Consent to Establish (CTE) from Jharkhand State Pollution Control Board and have applied for Consent to Operate (CTO) for Adityapur Common Treatment Facility (CTF) Site. Question is that if the Environmental Clearance (EC) has not been granted by the SEIAA, Jharkhand and Consent to Operate (CTO) also has not been granted by the Jharkahnd State Pollution Control Board how has the Applicant established the Common Treatment Facility and is also operating the same. In the original application, it has not been stated anywhere by the Applicant as to when he started his operations of Common Treatment Facility Management Plant.

7. The Jharkhand State Pollution Control Board, Respondent No.4, has filed counter-affidavit dated 25.05.2022 stating that the Applicant had vide his e-mail dated 16.09.2021 submitted a reply to the show cause notice dated 11.08.2021 issued by the State Board which was examined by the State Board and it was found that the Applicant Unit had been established without obtaining Environmental Clearance from the competent authority as well as Consent to Establish and Consent to Operate (CTE/CTO) from the Jharkhand State Pollution Control Board. In view thereof, the State

Board vide its letter dated 11.10.2021 directed the Project Proponent, Applicant, to close down the Unit with immediate effect and the Project Proponent, Applicant, was also advised to get the required Environmental Clearance and CTE/CTO.

8. Further affidavit dated 25.11.2022 has been filed by the Respondent No.4, Jharkhand State Pollution Control Board, stating therein that the Applicant, M/s Greenland Waste Management Enterprise, was directed by the State Board vide its letter dated 07.10.2022 to deposit Environmental Compensation of Rs. 14,10,000/- (Rupees Fourteen Lakhs Ten Thousand only) and in case of failure to do so, interest of 12% per annum would be charged and action would be initiated as per law.
9. The SEIAA, Jharkhand, Respondent No.3, has also filed affidavit dated 13.10.2023 stating therein that Environmental Compensation has been quantified at Rs.77 lakhs for violation period from 07.04.2021 to 15.12.2022 i.e., 606 days.
10. The SEIAA, Odisha, Respondent No.3, has filed further affidavit dated 05.01.2024 stating therein that the Project Proponent was also charged penalty of Rs.3.76 lakhs which has been submitted through Demand Draft No.506523 dated 08.06.2023. It is also stated that for restoration of environment for the damage caused, an amount of a Bank Draft amounting to Rs.77 lakhs has been realized from the Project Proponent, Applicant, as Remediation Plan and Natural & Community Resource Augmentation Plan.
11. The SEIAA, Jharkhand, Respondent No.3, has also stated that that it has granted Environmental Clearance to the aforesaid Project of the Project Proponent, Applicant, as per rules.

12. These facts have not been disputed by Mr. Abhrajit Ray Chowdhury, learned Counsel for the Applicant.
13. In this view of the matter, we are of the opinion that nothing further remains for adjudication in the present Original Application. The Original Application No.21/2022/EZ is accordingly disposed of with a direction to the Jharkhand State Pollution Control Board to ensure proper utilization of the Environmental Compensation towards Remediation Plan and Natural & Community Resource Augmentation Plan.
14. I.As. if any, stands disposed of accordingly.
15. There shall be no order as to costs.

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B. Amit Sthalekar, JM

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Dr. Arun Kumar Verma, EM

April 15, 2024,
Original Application No.21/2022/EZ
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