

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

Original Application No.21/2022/EZ

M/s Greenland Waste Management Enterprise
Versus

Applicant(s)

State of Jharkhand & Ors.

Respondent(s)

Date of hearing: 28.11.2023

**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

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

ORDER

1. Mr. Abhrajit Ray Chowdhury, learned Counsel is present on behalf of the Applicant.
2. The affidavit dated 13.10.2023 of Respondent No.3, SEIAA, Jharkhand, has relied upon the Standard Operating Procedure (SoP) dated 07.07.2021 of the MoEF&CC and even though Environmental Compensation has been computed at Rs.77 lakhs as stated in paragraph-6 of the affidavit, a bank guarantee has been taken towards Environmental Compensation, Remediation Plan and Natural & Community Resource Augmentation Plan as stated in paragraph-8 of the affidavit. Though the demand draft number and date and bank guarantee has been quoted in paragraph-8 of the affidavit, the amount has not been disclosed for reason best known to the Member Secretary, SEIAA, Jharkhand.

3. Be that as it may, it has been submitted by Mr. Ashok Prasad, learned Counsel for the SEIAA, Jharkhand, that bank guarantee has been taken for submission of Remediation Plan for grant of Environmental Clearance by SEIAA, Jharkhand.
4. In our opinion, the SoP does not lay down anywhere that the violator shall not be liable for payment of Environmental Compensation. In fact paragraph-10 (iv) of the SoP under the heading "Polluter pays" clearly states that '*Violators to pay for violation period-proportionate to the scale of project and extent of commercial transaction.*' The requirement of submission of a bank guarantee equivalent to the amount of Remediation Plan and Natural & Community Resource Augmentation Plan with Central/State Pollution Control Board (depending on whether it is appraised at Ministry or by SEIAA), in (viii) of paragraph-11 of SoP does not refer to payment of Environmental Compensation at all, it only provides for bank guarantee for purposes of grant of Environmental Clearance by SEIAA and also mentions that requisite Environmental Clearance shall be issued which shall be effective from the date of issue meaning thereby that it would be a fresh Environmental Clearance. In the present case, we apparently find what appears prima facie to be, is that on the basis of bank guarantee for Environmental Compensation, SEIAA has issued Environmental Clearance without insisting upon deposit of Environmental Compensation which according to its own computation amounts to Rs.77 lakhs.
5. We, therefore, direct the SEIAA, Jharkhand to file a fresh affidavit explaining its conduct and giving full details.

- 6. Let the affidavit be filed by the next date of listing.
- 7. **List on 12.01.2024.**

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B. Amit Sthalekar, JM

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Dr. Arun Kumar Verma, EM

November 28, 2023,
Original Application No.21/2022/EZ
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