

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

Original Application No.130/2023/EZ

In the matter of:

Awadhesh Kumar Pandey
S/o Late Braj Bhushan Pandey,
Aged about 72 years,
R/o Near Loyala Bed. Collage,
Zone No.1B, Birsanagar,
P.O. & P.S. Birsanagar, Jamshedpur,
Dist. East Singhbhum, Jharkhand-831019

.....Applicant(s)

Versus

1. State of Jharkhand
Through its Chief Secretary,
Having its office at First Floor,
Project Building, Dhurva
Ranchi-834004
2. Central Pollution Control Board
Through its Chairman,
Having its office at Parivesh Bhavan,
East Arjun Nagar, Shahdara,
Delhi-110032
3. Jharkhand State Pollution Control Board
Through its Chairman,
Having its office at H.E.C., Dhurwa,
Ranchi-834004 (Jharkhand)
4. Deputy Commissioner
Dist. Saraikela-Kharsawan,
Having its office at Deputy Commissioner Office,
Saraikela-Kharsawan, Pin-833219
5. M/s D.D. Steel & Power Limited
Represented by its authorized representative
Located at Muria Bus Stand,
Masleva P.O. Kolabira, Dist. Seraikela-Kharsavan,
Jharkhand-833220
6. Secretary
Ministry of Environment, Forests and Climate Change,
Having its office at Indira Paryavaran Bhawan,
Jorbagh Road, New Delhi-110003

.....Respondent(s)

Date of hearing: 09.02.2024

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

For Applicant(s) : None

For Respondent(s): Ms. Aishwarya Rajyashree, Adv. for R-1&4 (in Virtual Mode),
Mr. Sibojyoti Chakraborty, Adv. for R-2 (in Virtual Mode),
Mr. Surendra Kumar, Advocate for R-3,
Mr. Dipanjan Ghosh, Advocate R-5,
Mr. Apurba Ghosh, Adv. for R-6 (in Virtual Mode),

ORDER

1. The Applicant has filed this Original Application alleging that the Respondent No.5, M/s. D. D. Steel & Power Limited is continuously discharging the pollutants despite previous closure order.
2. It is alleged that highly polluting industrial effluents are being discharged directly into the air and nearby drains and fields also inflicting damage of local flora.
3. It is also alleged that the Respondent No.5 is violating the directions given in the Closure Orders issued by the CPCB on 18.01.2016.
4. It is also stated that the said order was subsequently revoked on 19.08.2020 subject to the condition that the unit shall operate with valid consent under the Water (Prevention and Control of Pollution) Act 1974, Air (Prevention and Control of Pollution) Act 1981 and Hazardous and Other Wastes (Management & Transboundary Movement) Rules, 2016 (H&OW(M&TBM) Rules 2016) and shall ensure continuous data transmission from online emission/effluent monitoring systems to the Central Pollution Control Board (CPCB) and State Pollution Control Board (SPCB).
5. At the time of admission, notices were issued to the Respondents for filing their responses.
6. The Tribunal also constituted a Committee comprising of the following members: -

- i) Senior Scientist, Central Pollution Control Board;
 - ii) Senior Scientist, Jharkhand State Pollution Control Board;
 - iii) Deputy Commissioner, District - Saraikela, Kharsawan, or his representative not below the rank of Additional District Magistrate (A.D.M.).
7. The Committee was required to visit the site and submit its Report with regard to the allegations made in the Original Application.
8. The Respondent No.5, M/s D.D. Steel and Power Limited, has filed affidavit dated 14.12.2023 stating therein that the Unit, Respondent No.5, applied for grant of Consent to Operate (CTO) to the Jharkhand State Pollution Control Board vide its application dated 23.09.2020 and the Consent to Operate (CTO) was issued by the Board on 28.10.2020. Thereafter, an application for renewal of Consent to Operate (CTO) was filed on 19.02.2021 and the same was extended vide order dated 12.06.2021 upto 31.12.2021. The Consent to Operate (CTO) has again been extended from 31.12.2021 upto 31.12.2023. The allegations of environmental violations have been denied. It is also stated that the Unit/Plant was shut down from 26.09.2023 and intimation of the same has also been given to the Jharkhand State Pollution Control Board vide letter dated 29.09.2023 (page no.70 of the paper book).
9. The Respondent No.3, Jharkhand State Pollution Control Board, has filed affidavit dated 13.12.2023 bringing on record Inspection Report of an inspection carried out on 02.11.2023 which reads as under: -

***“Inspection Report
In the matter OA 130/2023/EZ***

In the matter OA 130/2023/EZ (A K Pandey Vs State of Jharkhand), Hon’ble NGT vide its order dt. 03/10/2023,

constituted a committee and issued certain direction which is following:

Considering the allegations made out in the Original Application, we deem it appropriate to constitute a Committee comprising of the following Members:-

- i. Senior Scientist, Central Pollution Control Board;*
- ii. Senior Scientist, Jharkhand State Pollution Control Board;*
- iii. Deputy Commissioner, District – Saraikela, Kharsawan, or his representative not below the rank of Additional District Magistrate (A.D.M.)*

The Committee shall visit the site and submit its Report with regard to the allegations made in the Original Application within three weeks.

Accordingly, as per communication received from Deputy Department Commissioner- Saraikela, following Officials visited the alleged Site (Industry i.e. M/s D D Steel & Poser Ltd) on 02/11/2023:

- 1. Sri Praveen Kumar Gagrai, Dy. Development Commissioner, Dist. Saraikala.*
- 2. Sri Ram Pravesh Kumar, Regional Officer, JSPCB, Jamshedpur*
- 3. Sri Sandeep Ray, Scientist D, CPCB-RD, Kolkata*

During inspection, following personnel were present from industry side:

- 1. Sri Nishant Dhoot, Director*
- 2. Sir Vinod Debuka, Director*
- 3. Sir Shankar Agrawal, Director*

About Industry:

M/s D D Steel and Power Ltd (Formerly M/s AML Steel & Power Ltd), Vill.-Masleva, Dist.-Sarikela has started their plant Operation in the Yr 2006. The ownership was changed to current Owner (i.e. M/s D D Steel and Power Ltd) in the Yr 2020. The plant is having total area of 60 acres with following manufacturing/production facilities:

- DRI (Sponge Iron) Kiln: 100 TPD X 4*
- Power generation through Waste Heat Recovery Boiler (WHRB): 11 mw*

The ESP (with Single Pass and 2 fields) is connected with each Kiln. Common stack (height 36 m from GL) is available for Kiln # 1 & 2 and Kiln #3&4 respectively.

The Online Continuous Emission Monitoring System (OCEMS) is installed in both the Stacks and it is connected with JSPCB and CPCB server for continuous data transmission. Make/Model of OCEMS is following:

Vendor- Forbes Marshall Private Limited

Make- CODEL

Model: DCEM 2100 Plus

ID : DECEM2100:678 (20024) & DECEM2100:767 (20027)

Industry Code: 08JH420 (CPCB)

The Calibration of OCEMS is carried out on Qtly basis. The last calibration was carried out on 06/10/2023.

Status of Statutory Requirements:

1. CTO: The Consent to Operate is granted by JSPCB Vide Ref No. JSPCB/HO/RNC/CTO-11292082/2021/684 Dated-31/12/2021 which is valid upto 31/12/2023.

2. Authorization: The Authorization under Hazardous Waste Management, Rules 2016 is granted by JSPCB Vide Ref No. JSPCB/HO/RNC/HWM-6717793/2021/72 Dated-27/12/2021 valid up to 31/03/2026.

3. Permission for Water withdrawal: NOC obtained from Central Ground Water Authority (CGWA) for withdrawal of fresh water from 7 Nos. of Borewell (Vide Ref No. CGWA/NOC/IND.ORIG/2022/15004 Dt.25/03/2022) valid till 24/03/2025.

Observation:

- The industry was visited on 2nd November 2023 for compliance verification as per allegation made by Applicant. The industry was found under Shut Down. As informed by Mr. Nishant Dhoot, Director that all Kilns are under Shut down since 26th September 2023 for Revamping/ Renovation of the Kiln/ESP and other associated units. In this regard, they already informed to JSPCB (vide Letter No. DDSPL/JSPCB/RO/02/2023-24 Dt.29/09/2023). However, in the said letter, date of Start of Plant operation was not mentioned.*
- During visit, as observed, the ESP Ducting to Kiln, Impeller Fan, Connection to Stack etc. were kept in open condition as renovation and modernization work was in progress.*
- As the plant was under Shut down, however the historical data from date logger of OCEMS is also retrieved and as observed PM value for Kiln # I, II, III & IV was ranging between 14-56 mg/Nm³ and 86.3 mg/Nm³ (approx. value) except few days when Kilns/ESP were under repair.*
- The Stack monitoring result for common Stack of Kiln #I &II, which was carried out by Third Party (M/s Environmental Laboratories & Engg Services Pvt. Ltd.) was*

found to be 74 mg/Nm³ and 86.3 mg/Nm³ for parameter PM and SO_x respectively.

- The industry is spread over 60 acres of area. Green belt is developed over 22 acres of area (approximately).*
- The raw materials (Iron Ore, Coal, Dolomite) are stored in open area with Tarpulin cover on it.*
- The industry is receiving coal from CCL (Central Coalfields Ltd) and also imports from South Africa. Blended coal is used in the process. Iron Ore is received from Barbil, Odisha region.*
- Waste Heat Recovery Boiler (WHRB) facility was available for 11 MW power generation. However, due to renovation and modernization of the plant, WHRB has been removed.*
- Roads inside the plant area was found in pucca (Semi Concreted) condition. Water sprinklers have been installed on Road side to minimize the fugitive dust due to playing of Vehicles. As informed, 2 Nos. of Truck mounted (Mobile type) water tankers are also available for water sprinkling inside the plant area and adjacent Roads (Outside of the plant area).*
- Water is required for Industrial (Kiln Cooler) and Domestic utilities. The water, which is used for Kiln cooler, is continuously recycled for cooling purpose only. Water from Kiln cooler is sent to primary settling chamber and sent back to cooling process. Fresh water is fed as make up water during Evaporation loss from Kiln Cooler. The daily water consumption is 70 m³ (Industrial & Domestic).*
- The industry is maintaining ZERO Liquid Discharge (ZLD). Any type of industrial wastewater (treated/untreated) is not discharged to outside of the plant premises. Industry has also constructed Rain water Harvesting Pond. The water collected during rainy season is utilised for gardening and sprinkling on roads.*
- The industry is having 7 Nos. of Borewell for water extraction. Necessary permissions have been obtained from CGWA.*
- As per the direction of Hon'ble Supreme Court in the matter WP (C) No. 657 of 1995 DT 06/07/2012 & 14/10/2023 and Hon'ble NGT matter O.A. 804/2017 Dt. 26/08/2029, industry has installed Env Display Board at the main Entrance of the Industry."*

10. The Inspection Report under the heading '**Observations**' shows, *inter alia*, that during the visit, the ESP Ducting to Kiln, Impeller

Fan, connection to stack etc. were kept in open condition as renovation and modernization work was in progress. PM and SO_x parameter for common stack of kiln I & II was found to be 74 mg/Nm³ and 86.3 mg/Nm³ respectively.

11. For the above noted violations, the Board has computed environmental compensation at Rs.15,60,937.50/- (Rupees Fifteen Lakhs Sixty Thousand Nine Hundred Thirty Seven and Fifty Paisa only).
12. Since environmental compensation has been computed and affidavit has been filed, therefore, Respondent No.5 has notice of the same.
13. Learned Counsel for the Respondent No.5 submits that the matter may be disposed of with liberty to the Respondent No.5 to submit his response to the computation of environmental compensation and to appear before the Jharkhand State Pollution Control Board as even otherwise in the notice dated 12.12.2023, the Competent Authority Pollution Control Board has directed the Respondent No.5 to appear before it on 27.12.2023.
14. We are also of the view that any observations with regard to environmental compensation on facts may prejudice the right of the Respondent No.5 to make his submissions to the show cause notice dated 12.12.2023 with regard to computation of environmental compensation.
15. In this view of the matter, we dispose of this Original Application with liberty to the Respondent No.5 to appear before the Board and submit his response to the show cause notice dated 12.12.2023. Needless to say, the Board will give the Respondent No.5

reasonable opportunity of being heard and, thereafter, pass appropriate order in accordance with law.

16. I.As. if any, stand disposed of accordingly.

17. 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

February 09, 2024,
Original Application No.130/2023/EZ
MN