

**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH,
KOLKATA**

.....
ORIGINAL APPLICATION No.03/2024/EZ

IN THE MATTER OF:

1. **Dasarathi Sethi,
Son of Harihar Sethi,
Residing at Singhtola, Bedabyas,
Lungei, Sudargarh, Vedvyas,
Odisha-769004**
2. **Subhashree Sahoo,
Residing at C-47, Sector-3,
Rourkela-2, Raurkela (ITS),
Rourkela-2, Sundargarh,
Odisha-769002**

....Applicant(s)

Versus

1. **State of Odisha,
Represented by Chief Secretary Govt. of Odisha,
Secretariat Building, Bhubaneswar
Pin – 751001;**
2. **The Chairman,
State Pollution Control Board,
Paribesh Bhawan, A/118,
Nilakantha Nagar, Unit-VIII,
Bhubaneswar-751012;**
3. **The Regional Officer,
State Pollution Control Board,
Rourkela, Odisha,
Pin-769004;**
4. **The Chief Environmental Engineer (C),
State Pollution Control Board,**

**Paribesh Bhawan, A/118,
Nilakantha Nagar, Unit-VIII,
Bhubaneswar-751012;**

- 5. The District Collector-cum-Magistrate, Sundergarh,
Sundergarh, Odisha, Pin-770001;**
- 6. The RDC (Revenue Divisional Commissioner)
Kacheri Road, Hans Nagar,
Sambalpur, Odisha-768001;**
- 7. The Director,
M/s Kamanda Steel Plant,
Having its registered office at Koira,
Sundargarh, Pin -770042**

....Respondent(s)

COUNSEL FOR APPLICANT:

None

COUNSEL FOR RESPONDENTS:

**Mr. Ashok Parija, AG for R-1, 5 & 6,
Mr. Dipanjan Ghosh, Advocate for R-2, 3 & 4,
Mr. Sanjay Upadhyay, Sr. Advocate a/w
Mr. Dhanjaya Mishra, Advocate,
Mr. Biswaranjan Sahoo, Advocate and
Ms. Mansi Bachani, Advocate for R-7**

JUDGMENT

PRESENT:

HON'BLE MR. JUSTICE B. AMIT STHALEKAR (JUDICIAL MEMBER)

HON'BLE DR. ARUN KUMAR VERMA (EXPERT MEMBER)

**Reserved On:- 3rd April, 2024
Pronounce On:- 10th April, 2024**

1. Whether the Judgment is allowed to be published on the net? **Yes**
2. Whether the Judgment is allowed to be published in the NGT Reporter? **Yes**

Heard the learned Counsel for the parties and perused the documents on record.

2. This Original Application has been filed by the Applicants alleging that the Respondent No.7, M/s Kamanda Steel Plant, is operating its Steel Plant in violation of environmental norms. The allegation is that the said plant does not possess pollution control devices or sprinkler, telescopic Chute, Fog Cannon etc. In support of the allegations photographs have also been filed as Annexure-A, page nos.18-21 of the paper book.

3. At the time of admission, the Tribunal constituted a Committee comprising of the following Members:-

- (i) Senior Scientist, Odisha State Pollution Control Board;
- (ii) District Collector-cum-Magistrate, Sundargarh, Odisha or his representative not below the rank of Additional District Magistrate.

4. The Committee was directed to inspect the site in question to elicit the veracity of the allegations made in the Original Application.

5. Affidavit dated 04.03.2024 has been filed by Respondent Nos.2, 3 and 4, Odisha State Pollution Control Board, bringing on record the Joint Inspection Report of an Inspection carried out on 27.02.2024 and 28.02.2024 reads as under:-

***“JOINT INSPECTION REPORT OF M/S. RUNGTA LIMITED
(KAMANDA STEEL PLANT),
AT-KAMNADA, PO. KOIRA, DIST. SUNDARGARH***

M/s. Rungta Mines Limited (Kamanda Steel Plant), At-Kamanda, PO- Koira, Dist. Sundargarh was inspected and monitored on dtd. 27.02.2024 and 28.02.2024 to verify the facts/allegations made by Sri Dasarathi Sethi, Son of Sri Harihar Sethi, Singhtola, Vedavays, Lungei, Sundargarh, Odisha and Sri Subhashree Sahoo, C-47, Sector-3, Rourkela (ITS), Rourkela-2, Sundargarh, Odisha and also to verify the allegation made against the industry in connection with order of Hon'ble National Green Tribunal, Eastern Zone Bench, Kilkata vide Original Application No. 03/2024/EZ on dated 19.01.2024. Mr. pranaya Kumar Deo, AVP (Commercial), Mr. Alok Kumar Sethy, Sr. GM (Works) of the industry were present during the inspection.

Consent Status:-

Consent to operate is valid up to 31.03.2028 for operation of Sponge Iron-DRI Kilns (I,II,III,IV, V & VI) @ 6 X 100 TPD, DRI Kiln (VII) @ 1 X 300 TPD, DRI Kiln (VIII) @ 1 X 350 TPD, Induction Furnaces (Unit-I, II, III & IV) @ 4 X 15 T/Heat, Captive Power Plant @3X20 MW TG=60 MW CPP, Power =54.24 MW (34.24 MW AFBC + 20 MW WHRB), Pellet Plant - 3. 0MTPA, 1X3-Strand billet caster (6/11m), Slag Crusher (30 TPH) with Sand Making Plant (30TPH), and Rolling Mill (I) (TMT/Flat/Round/Wire-rod/structural mill/other @ 3,25,988TPA. The industry has also obtained Consent to Operate for operation of Pellet Plant capacity 1.0MTPA which was valid up to 31.03.2024. Further the industry has also obtained consent to Operate for Producer Gas plat of Capacity 7500Nm³/hr which was valid up to 31.03.2024.

Observation made during Joint Inspection

- 1. During inspection it was verified that the industry has provided telescopic chute at the bottom of product house in sponge iron plant and the same was in on and no fugitive dust emission was observe for the telescopic chute.*

2. The unit has installed adequate numbers of fixed type high pressurized water sprinklers inside the plant area including internal roads, approach roads and during inspection it was observed that all the fixed type water sprinklers were in operation. There was no fugitive emission observed from the plant premises on the internal road and approach road during playing of vehicles.
3. Besides, the unit has provided moving type Fog/Mist Canon inside plant premises in the raw material/ product handling area to control the dust emission. The Fog/Mist Canon sprays water about 25- to-30- meter radius area.
4. The industry has provided individual Electro Static Precipitator (ESPs) for each DRY Rotary Kilns, AFBC Power plant and Pellet plants. Similarly, the industry has installed bag filters at different dust generating sources of DRI Rotary Kilns (Product House, Cooler Discharge Point, Intermediate Bin, Coal Crushing area, Iron ore crushing area and Coal injection points) and Pellet plants etc. During inspection all the ESP'S and bag filters were in operation.
5. The industry has installed common swivelling suction hood for both the crucibles of each induction furnace with common spark arrester and Bag filter. The Air Pollution Control Devices were in operation during the day of inspection and there was no emission was observed from the aforesaid areas.
6. The industry has provided Truck mounted Road Sweeping Machine for the clearing of internal roads and approach road inside the plant premises.
7. Furthermore, that all precautionary measures were being taken by the industry and all devices installed to control the menace of the pollution are functioning properly.
8. During inspection it was observed that there was no such chemical waste is being generated from the plant premises. The industry is not generating any chemical waste from the

process as such. There was no dumping of chemical waste inside the plant premises was observed.

9. *During the inspection Ambient Air Quality Monitoring was conducted inside the factory premises. From the analysis report it is revealed that the Respirable Suspended Particulate Matter (PM₁₀) concentration was well within the prescribed limit. The analysis report is annexed separately.*

10. *Similarly, during inspection stack Monitoring were conducted at the common stack attached DRI Rotary kiln-1 and Kiln -2 and stack attached to bag filter of Product House. From the analysis report it is revealed that the Particulate matter (PM) concentration was well within the prescribed limit. The analysis report is annexed separately.*

Conclusion:-

In view of the above observation made during inspection, the industry has installed all requisite pollution control equipment's at proper places. From the analysis report it was also revealed that the parameters were within the prescribed standard of the Board which indicates proper functioning of installed pollution control equipment's."

6. Affidavit dated 06.03.2024 has been filed by Respondent Nos.5 and 6, Collector & District Magistrate, Sundargarh, stating therein that the Respondent No.7, M/s Rungta Mines Limited (Kamanda Steel Plant), as per the Joint Committee Report has installed all requisite pollution control equipment at proper places and the environmental parameters were within the prescribed standards of the Board.

7. The Respondent No.7, Rungta Mines Limited, has also filed its affidavit dated 20.03.2024 *inter-alia*, raising a preliminary objection that the Applicants had not come to the Court with clean hands

and that the photographs which have been filed with the Original Application alleging the same to be those of the Respondent No.7, M/s Rungta Mining Limited, are in fact not of the M/s Rungta Mines Limited but have been photo-shopped from the internet and belong to some other plant altogether.

8. Along with the affidavit, Annexures of same photographs in the Original Application have been filed as Annexure-A (colly) page nos.67 & 69. The photograph at page no.67 of the paper book which is similar to that filed in the Original Application is of Jharkhand, Rajmahal Hills in Sahebganj.

9. Another photograph at page no.69 has been filed by the Respondent No.7 wherein the same photograph as filed with the Original Application and at page no.69 is stated to be of a stone crusher in the Saranoo Tehsil of Rajouri District in Jammu and Kashmir. These photographs are identical to the photographs at page nos. 18 & 18A of the Original Application.

10. Mr. Sanjay Upadhyay, learned Senior Counsel further drew attention of the Court to the document at page nos.71, 72 & 73 of the affidavit of the Respondent No.7 and submitted that these photographs are of the chimney of the Respondent No.7, Steel Plant, and are distinguished by red and white markings whereas the chimney at page no.19 of the Original Application is in white colour and entirely different and does not belong to the Respondent No.7, Steel Plant. Learned Senior Counsel also submitted that in the photograph at page no.19 of the Original Application, three

electric wires/lines are shown whereas in the photograph at page no.74 of the paper book which pertains to the Respondent No.7, Steel Plant, there are multiple electricity lines. Referring to page nos.76, 77, 78, 79, 80, 81 & 82, in the Respondent's affidavit learned Senior Counsel for the Respondent No.7 submitted that these photographs of telecom towers are structurally different from the telecom tower shown at page no.21 of the Original Application. Learned Senior Counsel further pointed out that the telecom/mobile towers near the Respondent No.7, Steel Plant, do not have circular disks at the top which are clearly distinguishable from the telecom/mobile towers filed at page no.21 of the Original Application which additionally goes to show that the said photograph does not belong to the Respondent No.7, Steel Plant.

11. Learned Senior Counsel further submitted that the photograph of the Respondent No.7, Steel Plant, at page no.74 has sparse vegetation whereas the photograph filed by the Applicants at page nos.19 & 20 of the Original Application show thick vegetation which would also go to show that the photographs filed by the Applicants do not belong to the Respondent No.7, Steel Plant.

12. Learned Senior Counsel, therefore, submitted that the entire edifice of the allegations in the present Original Application against the Respondent No.7, Steel Plant, has been built upon documents photo-shopped from the internet with the clear intention to mislead the Tribunal and is an abuse of process of Court.

13. With regard to the Joint Inspection Report, Mr. Sanjay Upadhyay, learned Senior Counsel submitted that the entire reading of the Report nowhere shows violations of any environmental norms and in fact the Report is in favour of the Respondent No.7, Steel Plant.

14. Mr. Ashok Parija, learned Advocate General, State of Odisha, has placed reliance on the Joint Inspection Committee Report and submitted that the report mentions that the Consent to Operate (CTO) for operation of sponge Iron-DRI Kilns is valid upto 31.03.2028; Consent to Operate (CTO) for operation of Pellet Plant is valid upto 31.03.2024 and Consent to Operate (CTO) for Producer Gas Plant is valid upto 31.03.2024 in respect of the Respondent No.7, Unit. He further referred to the observations made by the Committee and submitted that the said Industry has provided telescopic chute at the bottom of the product house in sponge iron plant and the same was in operation and there was no fugitive emission; adequate numbers of fixed type-high pressurized water sprinklers were also installed in the Unit including internal roads, approach roads and they were in operation during inspection and there was no fugitive emission. The Report mentions that Fog/Mist Canon moving type has been provided inside the Plant premises in the raw material/product handling area to control dust emission which sprays water upto 25 to 30 meters radius area. The Respondent No.7, Unit has provided individual Electro Static Precipitator (ESPs) for each DRI Rotary Kilns, AFBC Power Plant and Pellet Plants; bag filters have been installed at different dust

generating sources of DRI Rotary Kilns (Product House, Cooler Discharge point, Intermediate Bin, Coal Crushing area, Iron ore crushing area and Coal injection points); all ESPs and bag filters were found to be in operation. Common swiveling suction hood for both the crucibles of each induction furnace with common spark arrester and bag filter have been installed; Air Pollution Control Devices were in operation and there was no gas emission observable in these areas. Truck mounted road Sweeping Machine for cleaning of internal roads and approach road inside the Plant premises has been provided; no chemical waste was being generated from the Plant nor observed; Ambient Air Quality i.e. PM₁₀; Respirable Suspended Particulate Matter was found within the prescribed limit; inspection stack monitoring was conducted at the common stack attached DRI Rotary Kiln-1 and Kiln-2 and stack attached to bag filter of Product House; Particulate Matter (PM) was found within the prescribed parameters. All requisite pollution control equipment were found installed at proper places and analysis report were also within the prescribed parameters.

15. The case was listed for hearing on 02.04.2024 but neither the Counsel for the Applicants, Ms. Mithu Bhattacharya, nor the Applicants were present in the Court proceedings and, therefore, the Tribunal directed the case to come up on 03.04.2024. On 03.04.2024, also neither the Applicants were present nor Ms. Mithu Bhattacharya, learned Counsel for the Applicants was present. The case was listed under the heading 'Further Consideration' but Counsel for the Applicants was not present on both the dates and,

therefore, the Tribunal has proceeded to hear the Counsel present on the basis of the documents on record.

16. The allegation of the Applicant is that the Respondent No.7, M/s Kamanda Steel Plant, is operating the Steel Plant in violation of environmental norms inasmuch as the Plant does not possess pollution control devices or sprinkler, telescopic chute, fog canon etc. Photographs have been filed in support of the allegation in the Original Application.

17. From a comparison of the photographs filed with the Original Application with the photographs which have been filed with the affidavit of the Respondent No.7, it is quite apparent that the photographs filed with the Original Application have been photo-shopped from the internet whereas the same photograph at page no.67 of the affidavit of the Respondent No.7 is shown to be of illegal stone mines in the Rajmahal Hills in Sahebganj, Jharkhand. A second similar photograph at page no.69 is shown to be a stone crushers in the Saranoo Tehsil of Rajouri District in Jammu & Kashmir. It is, therefore, quite clear that the Applicant has deliberately photo-shopped the photographs filed at page no.18 and 18A of the Original Application in order to mislead this Tribunal into believing that the photographs at page no. 18 and 18A of the Original Application belong to the Respondent No.7, Steel Plant.

18. We have also compared the photographs at page nos.71, 72 & 73 of the paper-book, filed with the affidavit of the Respondent No.7 and we find the same to be quite distinct from the photograph of

the chimney filed at page nos.19, 20 and 21 of the Original Application filed by the Applicant. We also notice that the vegetation in the photographs shown at page nos.19, 20 and 21 filed with the Original Application are absolutely distinct from the nature of the vegetation shown in the photograph at page no.74 inasmuch as the vegetation at the page no.74 is quite sparse compared to the dense vegetation shown in the page nos.19, 20 and 21 filed with the Original Application. Even the photograph of the telecom towers filed with the affidavit of the Respondent No.7 are absolutely distinct from the photographs filed at page no.21 with the Original Application inasmuch as in the photograph at page no.21, three disks are distinctly observable at the top of the telecom towers whereas there is no such disk in the photographs of the telecom towers filed with the affidavit of the Respondent No.7.

19. The Applicants have also not filed their rejoinder affidavit to dispute the contentions of the Respondent No.7 in their affidavit even though time for filing rejoinder affidavit was granted by this Tribunal on 11.03.2024 when Ms. Mithu Bhattacharya, learned Counsel for the Applicant was present in the proceedings and had prayed for and was granted one-week time for filing response/rejoinder affidavit. However, neither rejoinder affidavit has been filed nor is Ms. Mithu Bhattacharya present when the case is being taken up for final consideration.

20. Coming to the Joint Inspection Report, we find that the Respondent No.7, Steel Plant, has all the necessary consents.

Consent to Operate (CTO) for operation of Sponge Iron-DRI Kilns (I, II, III, IV, V & VI) @ 6 X 100 TPD, DRI Kiln (VII) @ 1 X 300 TPD, DRI-Kiln (VIII) @ 1 X 350 TPD, Induction Furnaces (Unit-I, II, II & IV) @ 4 X 15 T/Heat, Captive Power Plant @ 3 X 20 MW TG=60 MW CPP, Power=54.24 (34.24 MW AFBC+20 MW WHRB), Pellet Plant- 3.0 MTPA, 1 X 3- Strand billet caster (6/11m), Slag Crusher (30 TPH) with Sand Making Plant (30TPH), and Rolling Mill (I) (TMT/Flat/Round/Wire-rod/structural mill/others @ 3,25,988 TPA is valid upto 31.03.2028. Consent to Operate (CTO) for operation of Pellet Plant capacity 1.0 MTPA is valid upto 31.03.2024. Consent to Operate (CTO) for Producer Gas Plant of capacity 7500 Nm³/hr is valid upto 31.03.2024.

21. The Committee also mentions in its observations that the Industry has provided telescoping chute at the bottom of product house in sponge iron plant and the same was in operation and there was no fugitive dust emission from the telescopic chute. It is also mentioned that adequate number of fixed type high pressurized water sprinklers have been provided inside the plant area including internal roads, approach roads and they were found to be in operation during inspection and there was no fugitive emission in the plant premises on the internal road and approach road during plying of vehicles; moving type Fog/Mist Canon was provided inside the plant premises in the raw material handling area to control the dust emission; the Fog/Mist Canon had a water spray radius of about 25-30 meters. It is also mentioned that the Industry has provided individual Electro Static Precipitator (ESPs) for each DRI

Rotary Kilns, AFBC Power Plant and Pellet Plants; bag filters were found installed at different dust generating sources of DRI Rotary Kilns (Product House, Cooler Discharge point, Intermediate Bin, Coal Crushing area, Iron ore crushing area and Coal injection points) and Pellet Plants. During inspection all ESPs and bag filters were found to in operation. The Industry has also installed common swiveling suction hood for both the crucibles of each induction furnace with common spark arrester and bag filter; Air Pollution Control Devices (APCD) were found to be in operation and there was no emission; Truck mounted Road Sweeping Machine for cleaning of internal roads and approach road inside the plant premises was provided; there was no chemical waste being generated from the plant premises; Ambient Air Quality Monitoring was conducted inside the factory premises which revealed that the Respirable Suspended Particulate Matter (PM₁₀) concentration was well within the prescribed limit; stack monitoring was conducted at common stack attached DRI Rotary Kiln-1 and Kiln-2 and stack attached to bag filter of Product House and Particulate Matter (PM) concentration was found to be within the prescribed limit.

22. Thus, even from a perusal of the Inspection Report of the Joint Inspection Committee, we find that the Respondent No.7 is in compliance of the environmental norms as noted in the Committee Report quite contrary to the allegations made in the Original Application.

23. We may also note here that other than the allegations made in the Original Application and the photographs which have been filed it is not stated by the Applicants anywhere that the Applicants visited the site in question and their allegations have been made on observations made by them whereas along with the Inspection Report the photographs have been filed and Analysis Report have also been filed which confirm that PM₁₀, Particulate Matter (PM) are well within the prescribed standards.

24. From the photographs which have been filed by the Applicant along with the Original Application, we find that the Applicants have filed photographs which do not appear to conform to the alleged plant. The categorical stand of the Respondent No.7 in its affidavit as well as oral submission of Mr. Sanjay Upadhyay, learned Senior Counsel is that photographs filed at page nos.18 and 18A of the Original Application have been taken from the internet and photo-shopped. These facts have not been contradicted or controverted by the Applicants since no rejoinder-affidavit has been filed, nor Ms. Mithu Bhattacharya, learned Counsel is present today i.e. 03.04.2024 nor was present on the previous date i.e. 02.04.2024 though time was granted to the Counsel for filing rejoinder-affidavit. In this view of the matter, we accept contention of the Respondent No.7 that the photographs filed with the Original Application are not of the Respondent No.7, Plant and have been filed to only mislead this Tribunal and initiating proceedings against the Respondent No.7. This is clear abuse of process of Court besides constituting offence punishable under Section 195 read

with Section 340 of the Code of Criminal Procedure, 1973 for offences relating to filing false documents before this Tribunal. Sub-Section (3) of Section 195 defines “Court” to include a Tribunal constituted by or under a Central, Provincial or State Act if declared by that Act to be a Court for the purposes of this section.

25. In view of the above, the Original Application No.03/2024/EZ is dismissed.

26. We also impose a cost of Rs.25,000/- (Rupees Twenty-five thousand only) on each of the two Applicants for abusing the process of this Tribunal by filing false documents in the present Original Application. The amount of cost shall be deposited by the two Applicants before the Registrar, National Green Tribunal, Eastern Zone Bench, Kolkata, within 15 days failing which the same shall be recovered from them by the District Magistrate, Sundargarh, Odisha as per law.

27. Interlocutory Applications, if any, stand disposed of accordingly.

28. There shall be no order as to costs.

29. A copy of this order be placed before the District Magistrate, Sundargarh, for his information and action.

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B. AMIT STHALEKAR, JM

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Dr. ARUN KUMAR VERMA, EM

Kolkata,

April 10, 2024,

**Original Application No.03/2024/EZ
MN**