

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

Original Application No.130/2023/EZ

Awadhesh Kumar Pandey

Applicant(s)

Versus

State of Jharkhand & Ors.

Respondent(s)

Date of hearing: 03.10.2023

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

For Applicant(s) : Mr. Ravi Shankar Pandey, Advocate (in Virtual Mode)

ORDER

1. Heard Mr. Ravi Shankar Pandey, learned Counsel appearing (in Virtual Mode) on behalf of the Applicant.
2. 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.
3. 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.
4. 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.
5. It is also stated that the said order was subsequently revoked on 19.08.2020 subject to 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).

6. In our opinion, matter requires consideration.
7. Issue notice to the Respondents returnable within four weeks.
8. Ms. Aishwarya Rajyashree, learned Counsel who is appearing (in Virtual Mode), accepts notice on behalf of the Respondent Nos.1 and 4, State Respondents, Government of Jharkhand.
9. Mr. Ashok Prasad, learned Counsel who is present in the Court, accepts notice on behalf of the Respondent No.2, Central Pollution Control Board.
10. Mr. Surendra Kumar, learned Counsel who is present in the Court, accepts notice on behalf of the Respondent No.3, Jharkhand State Pollution Control Board.
11. Mr. Apurba Ghosh, learned Counsel who is present in the Court, accepts notice on behalf of the Respondent No.6, Ministry of Environment, Forests and Climate Change (MoEF&CC).
12. Issue notice to Respondent No.5, M/s D.D. Steel & Power Limited returnable within four weeks.
13. All the Respondents shall file their counter-affidavits within four weeks.
14. 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.).

15. The Committee shall visit the site and submit its Report with regard to the allegations made in the Original Application within three weeks.
16. The Jharkhand State Pollution Control Board shall be the Nodal Body for all logistic purposes and shall file the Inspection Report on affidavit.
17. In case violations are found, the Committee shall recommend penalty as well as Environmental Compensation and also suggest remedial measures, if any.
18. Learned Counsel for the Applicant shall serve e-copy/soft copy of the Original Application along with all its annexures upon Ms. Aisharya Rajyashree, Mr. Ashok Prasad, Mr. Surendra Kumar and Mr. Apurba Ghosh, learned Counsel for the Respondents within 24 hours.
19. **List on 07.11.2023.**

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B. Amit Sthalekar, JM

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Dr. Arun Kumar Verma, EM

October 03, 2023,
Original Application No.130/2023/EZ
SKB