

BEFORE THE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH, KOLKATA

.....

ORIGINAL APPLICATION No. 35/2014/EZ

**IN THE MATTER OF:**

1. Biswanath Maji,  
Son of Late Surya Narayan Maji,  
residing at Village- Nakrasota -Namopara,  
Post Office- Chhotadighi,  
Ward No. 49, Asansol, District-Burdwan, PIN-713326.
2. Jaydev Maji,  
Son of Late Sasti Charan Maji,  
residing at Village- Nakrasota -Namopara,  
Post Office- Chhotadighi,  
Ward No. 49, Asansol, District-Burdwan, PIN-713326.

.....Applicants

V e r s u s

1. Pollution Control Board, West Bengal  
Service through Chairman,  
Office at Paribesh Bhavan,  
10A, Block-LA, Sector-III,  
Bidhannagar, Kolkata- 700098.
2. The Chairman,  
Pollution Control Board, West Bengal  
Paribesh Bhavan,  
10A, Block-LA, Sector-III,  
Bidhannagar, Kolkata- 700098.
3. The State of West Bengal,  
Service through the Principal Secretary,  
Department of Land and Land Reforms,  
Writers' Buildings,  
Kolkata- 700001.
4. The Chief Executive Officer,  
I.S.P. (SAIL) Burnpur, Asansol,  
District- Burdwan, PIN- 713326.
5. General Manager (P&A),  
I.S.P. (SAIL) Burnpur, Asansol,  
District- Burdwan, PIN- 713326.

6. The Chairman,  
Steel Authority India Limited,  
Lodi Road, New Delhi- 3.
7. Executive Directors Projects SAIL,  
IISCO, Burnpur,  
District- Burdwan, PIN- 713325.
8. The District Magistrate,  
Burdwan, PIN- 713101.
9. Deputy Secretary,  
OSD & Ex-Officio, Commerce and Industries Department,  
4, Camac Street, Kolkata- 700016.
10. Additional District Magistrate,  
Asansol, Post Office- Asansol,  
District- Burdwan, PIN- 713301.
11. The Sub-Divisional Officer,  
Asansol, Burdwan, PIN- 713301.
12. Ministry of Environment, Forest & Climate Change.  
Govt. of India, Indira Paryabaran Bhavan, Jorbag Road,  
New Delhi-110 003

.....Respondents

**COUNSEL FOR APPLICANTS:**

Mr. Ajay Debnath, Mr. Debranjana Das, Advocate

**COUNSEL FOR RESPONDENTS:**

Ms. Arpita Chowdhury, Advocate, Respondent No. 1 & 2

Mr. Kallol Basu, Advocate, Mr. Nilanjan Pal, Advocate, Respondent No. 4, 5, 6 & 7

Mr. Bikas Kargupta, Advocate, Respondent No. 3 & 8 to 11

**JUDGMENT**

**PRESENT:**

**Hon'ble Mr. Justice S.P.Wangdi, Judicial Member**

**Hon'ble Prof. (Dr.) P. C. Mishra, Expert Member**

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Reserved On: 03.05.2016  
Pronounced On: 06.05.2016

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

**Per Hon'ble Prof.(Dr.) P.C.Mishra, EM :**

1. The Indian Iron and Steel Company Ltd (in short IISCO) of Steel Authority of India Ltd (in short SAIL) located at P.O. Burnpur, P.S- Hirapur in the District of Burdwan, West Bengal obtained the Environmental Clearance (in short EC) from the Ministry of Environment and Forest, Government of India for its expansion of steel production from 0.55 MTPA to 2.50 MTPA, rebuilding the Coke Oven Battery No. 10 & setting up of Captive Power Plant (87.5 MW) and other related facilities vide letter dated 7<sup>th</sup> August 2007 & corrigendum dated 22.11.2007 under the provision of Environment Impact Assessment Notification, 2006 (in short EIA Notification). The details about the existing facilities as well as facilities during expansion, major raw material requirement and the finished products are provided in the EC letter. The EC letter also prescribes specific and general conditions for strict compliance. The West Bengal State Pollution Control Board (in short PCB) granted the Consent to Establish (in short NOC) with validity up to 30.06.2018 and Consent to Operate (in short CTO) valid up to 31.12.2014 vide letter dated 21.10.2014 of PCB which was subsequently extended up to 31.12.2016.

2. The instant application was filed by two villagers, Sri Biswanath Maji and Sri Jaydev Maji, of village Nakrasota- Namopara, P/O: Chhotadighi, District- Burdwan of West Bengal, under Section 18(1) read with Section 15,

16 & 17 of National Green Tribunal Act, 2010 seeking a direction, against IISCO authorities not to establish the blast furnace at the site of the village Namopara and also to make the village free from air and water pollution as communicated by the villagers in their demand notice dt.22.7.2014 sent through their Ld. Advocate to the IISCO authority.

3. It is the submission of the applicants that, in the year 1988, about 305 acres of land was acquired for modernization of IISCO plant which includes the Nakasota-Namopara village. This acquisition is in addition to a huge portion of land acquired earlier. It is the contention of the applicants that the village Namopara measuring about 13 acres is surrounded by 30ft high slag bank of the Project and the village being located at lower level of the Project, during rainy season there is contamination of water body by the waste water coming through the plant premises.

4. It is their further submission that prior to acquisition of the land by the Government of West Bengal in favour of IISCO, a joint meeting of members of village committee and Manager (Estate), IISCO was held on 26<sup>th</sup> October 1981. The minutes of the meeting annexed as 'A' in OA reads as such :

"A meeting was held on the 26th October'81  
by and between Lakrasanta village committee  
members and Managers (Estate).

The following persons were present

Village Committee Members: IISCO. representative.

1. Sri Sarat Ch. Maji
2. Sri Krishna Pada Maji
3. Sri Lakshman Maji
4. Sri Dhiren Ch. Maji
5. Sri Subodh Maji
6. Sri Gobinda Dulal Mondal
7. Dr. Prabhas Ch. Maji

1. It was resolved that IISCO will give 210 employments as per R.S. record to the Land-Loosers of waste and arable land excluding village Lakrasanta

portion of which has been acquired. These employment are for the entire acquired areas excepting Bondanga village.

2. The village committee will submit a list of 210 nominees out of which initially 120 employments will be given as per company rule.
3. As soon as the list is received by IISCO duly verified by the village committee, local M.L.A. and by the L.A. Collector the company will offer employments of 120 nominees and the village committee will also hand over possession of the entire lands peacefully.
4. The list will be duly verified by the village committee local M.L.A. and finally by the L.A. Collector. This list will be treated as final list for offering employments of 210 nominees.
5. Manager (Estate) proposed that norms to be fixed for giving employments to the nominees of the land-loosers and accordingly the village committee should indicate the relationship with land-loosers. To this the village committee members objected and told that they can give employment to any of their candidates whatsoever may be and IISCO will be bound to accept.

The contention of the village committee members was agreed.

6. The village committee members indicated that for certain lands no notice of acquisition was served and hence the land-loosers are at a loss to know how their nominees will be employed and how they will get the award money.

It was decided that if after checking it is found that no notice was served the IISCO will give entire employment as per R.S. record subject to verification by the L.A. Collector. The process of extra employment as indicated will be strictly based on as per R.S. record, if not given earlier, provided he is having more than one acre of land.

7. During the process of handing over the land to IISCO the L.A. Collector will also assess the crop over the area and will submit the assessment amount to IISCO for depositing the money with the L.A. Collector for reimbursement.
8. It was decided that IISCO will help as far as practicable for the welfare of the village Lakrasanta in the following:
  - a. To help the village Lakrasanta for the construction of the Junior Basic School which is in existence;
  - b. Road for vehicles leading from Lakrasanta village to Burnpur via Rangapara Rly. crossing.
  - c. Supply of coke-breeze for the village.
9. The company will maintain safe distance for disposal of slag so that no filthy water can enter the village and will also maintain hygienic condition.
10. The employment will be offered to all the candidates initially as per company's rule and if any qualified candidate exists his case will be considered in case of vacancy.
11. The compensation for the **croops in the** lands will be assessed before the delivery of possessions by the L.A. Collector.
12. It was decided that IISCO and the village committee will jointly request the L.A. Collector for early assessment and payment.
13. This offer of employment will be open for 10 years from the date of delivery of possession and any owner can give the name of his nominees within this period for employment.
14. The village committee requested to increase the total service from 210 to approximately 217 since it is difficult to offer all the R.S. record owners. It was decided that the matter will be placed before the IISCO's competent authority for final approval and if approved the same will be given.
15. The village committee requested IISCO Management that no employment should be given to women share-holders of R.S. record owners and if they claim that should be rejected.

16. The list of 120 nominees will be submitted by the village committee for first instalment of employment within seven days from the date of this agreement.
17. As soon as the employment of 120 nominees are given the delivery of possession will be given by the village committee through L.A. Collector within 2 days from the date of giving employment for all the lands acquired under the L.A. proceedings excepting the village Bondanga and Lakrasanta.”

5. On dt. 03.02.2009 a mass representation was sent by the villagers to the Deputy Secretary, L & L.R. Department and Deputy Secretary, Commerce & Industry Department, Government of West Bengal with copy to local administration as well as IISCO authority highlighting the problems of health hazards and air pollution encountered by them in Namopara area being located in 13 acres at lower level of the Project and being surrounded by slag bank on three sides. It is their allegation that in the expansion project the project proponents have not implemented any scheme for proper disposal of water through underground system. Their categorical request was to provide alternate rehabilitation as they are prepared to spare their ancestral homestead areas, which has already turned red and yellow because of plant activities in the project modernization.

6. On the instruction of the Additional District Magistrate (LA), Burdwan, the Sub-Divisional Officer, Asansol conducted a Joint Enquiry of the site with representatives from the village, district administration, IISCO representative, Burnpur on 03.12.2009. The enquiry report annexed as A7 reads as such:

“ENQUIRY REPORT WITH REGARDS TO THE COMPLAINT LODGED BY THE INHABITANTS OF NAMOPARA UNDER NAKRASOLA CILLAGE

An enquiry was conducted on 3-12-2009 by me along with the representatives as mentioned below:

1. Date & time: At 11-30 A.M. on 3-12-2009
2. Persons present during enquiry:
  - a) Mr. D. Chakraborty, Survey & Settlement-in-Charge, IISCO

- b) Mr K.K. Gupta, DGM, Estt & GA, IISCO
  - c) Mr P. Mukherjee, GMECD, IISCO
  - d) Mr A. Fouzdar, Asst Engineer, PCB, Asansol
  - e) O/C, Hirapur P.S.
  - f) Mr B. Maji & others as the representative of villagers.
3. Ownership of the land in Nakrasota Village: The Village under dispute is situated just outside the wall of new plant of IISCO which is under construction. The village is located within 100 meters from the wall of the IISCO. The sketch map enclosed may be seen. There are number of families in the village and all are having their individual household. The village is densely populated. Durin enquiry it is revealed that the lands outside the wall of IISCO is owned by the villagers.
4. Proposals by the villagers: The following proposals were put forth by the villagers at the time of the enquiry.
- a) The villagers are craving for rehabilitation as they have a fear of Hugh pollution generated from the new plant when it will be operational.
  - b) Improvement of drainage facility of the village. Since the natural flow of water drainage was towards the new site of IISCO plant and the site is considerably raised and the boundary wall is constructed , the natural flow of water is blocked. Hence an alternative drainage facility may be developed.
5. The rehabilitation plan or proposal: Though the IISCO officials present during the enquiry reported that there is no rehabilitation plan at present for the villagers of Namopara under Nakrasota.
6. Observation during the enquiry: The Asstt Engineer, PCB has pointed out 2 vulnerable points where the residential area of the village is situated about 150 meters only from the bottom of the construction site of blast furnace. Again it may be mentioned that the village is situated towards south of the proposed new plant. According to the Asstt Engineer, PCB the villagers may be affected due to pollution from the new plant under construction if all the pollution related norms a fixed by the Ministry Environment & Forest are not strictly observed and this may worsen winter season. The observation the Asstt Engineer, PCB, Asansol is enclosed for kind perusal. The layout map of the new IISCO plant, the sketch map of the area, the R.R. Plan of IISCO, the photocopy of the no objection from the Ministry of Forest, Govt of India and few photographs taken during enquiry are enclosed for favour of kind information.

The pints of vulnerability of the villagers of Namopara under Nakrasota has been enumerated in the report submitted by the Asstt Engineer, PCB, Asansol Though the IISCO authority present during enquiry could not come out with any proposal. the threat of environment pollution may not be ignored and the enclosures in this regard may be referred in this regard. The appropriate authority may take decision in the abovementioned matter as stated earlier in the report.

Submitted before the SDO,Asansol.

Encl: as stated above

(RAHUL NATH)  
Dy. Magistrate & Dy. Collector,  
Asansol. ”

7. Another meeting was held on 08.07.2011 where the representatives of district administration, project authority, Land Looser Committee and President, Village Committee were present. The minutes of meeting is as follows :

“ Proceedings of the meeting in connection with the pollution related matters arising out of SAIL, ISP Plant under construction in Nakrasota village, Asansol on 08/07/2011 at 12.00 noon at Katha Meeting Hall of A.D.M. Office, Asansol.

Members Present:-

1. Sri Biswajit Dutta, Addl. District Magistrate, Asansol.
2. Sri Rahul Nath, Cess Deputy Collector, Asansol.
3. Sri Anjan Fouzdar, A.E.E., WBPCB, Asansol, Dist. Burdwan.
4. Sri Biswanath Maji, Secy. Land Looser Committee, Nakrasota, Asansol, Dist. Burdwan.
5. Sri Laksham Ch. Maji, Vice-President, Land Looser Committee, Nakrasota, Asansol, Dist. Burdwan.
6. Sri Joydeb Maji, Land Looser Committee Member, Nakrasota, Asansol, Dist. Burdwan.
7. Sri H.S. Pati, G.M. (P&A) ISP, Asansol, Dist. Burdwan.
8. Sri S. Ghosh, D.G.M. (TS), ISP, Asansol, Dist. Burdwan.
9. Sri B. Bhattacharjee, ASM (EMD), ISP, Asansol, Dist. Burdwan.
10. Sri P.R. Babu, DGM(P), ISP, Asansol, Dist. Burdwan.
11. Dr. P.C. Maji, President Village Committee, Nakrasota, Asansol, Dist. Burdwan
12. Ritoja Banerjee, Social and Community Development Officer, Asansol Municipal Corporation, Asansol, Dist. Burdwan

Resolution:

The Additional District Magistrate, Asansol initiated the discussion and invited the participants for open discussions. At first the representatives of land losers' committee were asked to brief all present in the meeting, regarding the kind of difficulties they are facing and their proposals as regards probable solution to the problems faced..

The representative first delivered the alarming conditions of the Namopara under Nakrasota village. This part of the village has a stiff-slope towards the ISP modernization site and the project boundary is erected in such a manner that the project area surrounds the part of Nakrasota Village in a horse shoe shape. However the difference of gradient between the new project of ISP and the affected Namopara is between 33 to 40 feet. As a result due to normal gradient of the land, water accumulates in the bordering part of the horse shoe shaped area. Since, the new plant is almost constructed and there is no provision of drainage of this part described above, the rain water automatically accumulates here. Moreover, the representative showed their concern over respiratory trouble in the Nakrasota village caused presently by the slag dust which is used by ISP as land filling materials. They also apprehended ambient air pollution in near future after the plants come into operation.

Under such circumstances, they have proposed for rehabilitation of the people at Namopara and a comprehensive drainage system till such rehabilitation can be affected. The Assistant Engineer, from P.C.B. pointed out



that at present status of R.S.P.M. is more than double than the tolerable limit, though he declined to comment on the exact nature of pollution which may occur after the new plant starts functioning.

The Addl. District Magistrate, Asansol reiterated the need to fulfil the measures proposed to be taken by SAIL-ISP as per environment clearance and its 100% implementation without any compromise. Again he also reminded recommendations mentioned in the chapter of corporate responsibility for environmental protection of Central Pollution Control Board issued for Steel Plants and stressed upon implementation of the above.

The SAIL-ISP representatives present in the meeting insisted to make it a point that the new plant after commissioning would be less polluting than the present one. They seemed to have no clue for the possible way out as regards the drainage problem, but, also remained non-committal for the rehabilitation options.

Under such circumstances, it was resolved that the SAIL-ISP authority will be visiting the site afresh to find out the possibility of curving out proper drainage and a comprehensive plan to mitigate the grievance of the villagers within a very short period of time. It was also resolved that if, on completion of survey by ISP, rehabilitation of the entire Namopara comes out to be the only solution to the devouring nature of potential hazards, SAIL-ISP would take immediate measure for rehabilitation on mutually agreeable terms with the villagers.

Since there was no other issues to discuss, the meeting ended with thanks to & from the chair.

Additional District Magistrate  
Asansol

Memo No. 160(14)ADM/Ind

Dated 14/07/2011

Copy to:-

- 1) Sri Tapas Banerjee, MLA, 280-Asansol Dakshin for information.
- 2) Sri Rahul Nath, Cess Deputy Collector, Asansol.
- 3) Sri Anjun Fouzdar, A.E.E., WBPCB, Asansol for information.
- 4) Sri Biswanath Maji, Secy, Land Looser Committee for information.
- 5) Sri Laksham Ch. Maji, Vice-President, Land Looser Committee for information.
- 6) Sri Joydeb Maji, Land Looser Committee Member for information.
- 7) Sri H.S. Pati, G.M.(P&A) ISP for information and necessary action.
- 8) Sri S. Ghosh, D.G.M. (TS) ISP for information and necessary action.
- 9) Sri B. Bhattacharjee, ASM (EMD) ISP for information.
- 10) Sri P.R. Babu, DGM(P), ISP for information and necessary action.
- 11) Dr. P.C. Maji, President Village Committee for information.
- 12) Ritoja Banerjee, Social and Community Development Officer for information (AMC)
- 13) P.A to District Magistrate, Burdwan.
- 14) P.A. to Addl. District Magistrate, Asansol.

Additional District Magistrate  
Asansol"

The Additional District Magistrate, Asansol also reminded the IISCO authority vide letter dated 04.12.2012 about the decision taken in the

meeting held on 08.07.2011 and requested to send a detail action taken report by the project authority.

8. The Respondent No. 4, 5, 6 & 7, the project proponents, while disputing the allegations of the applicants, would emphatically submit that they have obtained all statutory clearances as required under law like EC, NOC, CTO to run the Project and the wastewater of the Project is discharged to Damodar river. The Namopara area is located outside the plant boundary and no effluent/drain water is discharged in this area from new plant facility. It is their further contention that the B.F. Granulated Slag, which is a non-hazardous solid material used for road making, cement making and land filing, are regularly sold by the project proponent.

9. The PCB, in compliance to our order dated 26.11.14, filed a status report. Under the 'Remarks', the report reads as such :

“

- From the data available from AAQM conducted at village Namopara the values of PM<sub>2.5</sub> and Nitrogen Oxides (NO<sub>x</sub>) are found to be very high (refer Table- II).
- Concentration of parameters of effluents collected from village ponds at Namopara are within permissible limit (refer Table- IV)
- Concentration of BOD & COD of treated effluents analysed at outlets of BOD plants (Coke oven 10 & 11) are much beyond permissible limits (refer Table- III).
- During inspection to IISCO steel plant it was noticed that plantation around expansion project boundary are poor. No permanent water sprinkling arrangement on internal roads was noticed.
- Concentration of ambient noise level at village Namopara was also found to high at some period though it is not time specific (refer Table- V).
- The Automatic Air Quality monitoring station installed by M/s.IISCO Steel Plant located near village Namopara was found to be lying idle and not commissioned so far.”

Thus, a perusal of the report reveals the deficiencies in terms of proper treatment of wastewater, non-commissioning of automatic air quality monitoring system to monitor air quality, inadequate plantation, absence

of permanent water sprinkling arrangements etc. The report also shows that the water quality parameter of three water bodies of the village, which are the source of water for bathing are within limit. The project authority in their rejoinder would state that internal roads will be completed soon, sprinkling of water is done regularly, plantation has been undertaken in 279 ha inside as well as outside of plant, one continuous air monitoring system is in operation and other ambient air quality monitoring system will be progressively completed. It is their further submission that “during commissioning the stoichiometry of chemical reactions are not stabilized and for this the gaseous emission are sometimes above permissible limits. After stabilization of operation and furnace temperature attain the required condition, automation control system act for combustion control and limit gaseous emissions. During one occasion, emission at gas based power plant (at expansion site) as found by West Bengal Pollution Control Board was marginally high. However, the emission is maintained with norm in the gas-based power plant.” This is also true for high noise level. However, equipment already installed are as follows :

**“POLLUTION CONTROL FACILITIES AT CO & BP**

Effluent Treatment	Three stage BOD plant with identification facility to treat effluent from Coke Oven Bye Product area.
Coal handling plant	Dry fog dust suppression system at all coal transfer points. Bag filter at hammer mill area On main charging system with high Pressure Liquor Aspiration (HPLA) Zero leakage door Hydrojet cleaner at 600 bar pressure Screw feeder charging car with magnetic lid lifter and telescopes. Leveler muff at pusher car. GC main bleeder with auto bleeding and ignition Machine mounted cleaning mechanism for door, door frame, leveller window, goose neck, AP, Charge hole lid and frame, Water sealed AP Caps.
Coke	Coke Dry Cooling plant.

Quenching	
Pushing Emission	Land based pushing emission control system with bag filter.
Coke handling Plant	Dry Fog Dust suppression system.
By Product Plant	Hydrogen Sulphide removal and sulphur recovery plant.
Stack Monitoring	On line Stack Monitoring facility for SPM, SO <sub>2</sub> , NO <sub>x</sub> and CO.

### **BLAST FURNACE**

Cast House	Dedusting facility with electrostatic precipitator, Covered runner.
Stock House	Dedusting facility with electrostatic precipitator
Gas Cleaning Plant	Ventury Scrubber
Stack Monitoring	On line Stack Monitoring
Slag granulation	Cast House slag granulation
Noise Control	Bellow type tuyere Silence at snort valve
Coal Pulverization Injection Plant	Bag filter

### **SMS**

Converter	Dog House
Torpedo reloading station On line rinsing station Dog House Ferro alloy addition station	Dedusting facility with electrostatic precipitator
Gas Cleaning Station	Ventury Scrubber
Gas Bleeder Stack	Flare Stack
Stack monitoring	Continuous stack monitoring facility

### **SINTER PLANT**

Sinter machine	Dedusting facility with electrostatic precipitator
Line Bin in	Plus Jet Bag Filter
Stack monitoring	Continuous stack monitoring facility

**LIME DOLOMITE PLANT**

Lime Plant	Dedusting facility with Pulse jet Bag Filter
Dolomite Plant	Dedusting facility with Pulse jet Bag Filter
Stack monitoring	Continuous stack monitoring facility

**ROLLING MILLS**

Reheating Furnace	Low NO <sub>x</sub> Burner Computerised combustion control
Stack monitoring	Continuous stack monitoring facility

**RAW MATERIAL HANDLING**

Yards	Dust suppression system
Material Transfer Points	Dry Fog Dust Suppression System Pipe conveyor for transfer of coke from No. 10 CO Battery

**OTHER FACILITIES**

Sewage Treatment Plant	2 nos STP: 140 cu.m/hr (Township) 7.5 cu.m/hr (Works)
Ambient Air monitoring Station	4 nos continuous ambient air monitoring station within plant boundary
Waste Water Treatment Plant	Shop wise waste water treatment plant with recirculation facility for SP, BF, BOF & CCP, RM, PBS
Road/Yard Sprinkler	Dumper mounted sprinkler for spraying water in roads and yards.

**CDM PROJECTS (CO2 reduction Project)**

- Installation of Coke Dry Quenching (CDQ) in Coke Oven Battery # 11.
- Installation of Top Gas Recovery Turbines (TRT) In Blast Furnace #5.
- Waste Heat Recovery in Sinter Plant.
- Waste Heat Recovery at Blast Furnace Stove.
- Use of By-Product Fuel for Power Generation.
- Installation of Back Pressure Turbo Generator.”

It may also be brought on record that due to improper performance of Effluent Treatment Plant of IISCO, the Phenol level in the treated effluent samples collected during January-February , 2015 showed values in excess of the limit prescribed for which the project proponent had to execute a

bank guarantee of Rs. 10.00 lakhs. Similarly, the stack connected to Coke Oven Battery No. 10 also showed a high PM value of 381.23 mg/Nm<sup>3</sup> on 06.02.2015 against a standard of 50 only.

10. In their supplementary affidavit filed on 19.05.2015, the applicants claimed payment of compensation to the kith and kin of some 8 deceased persons who died from various diseases and it is their submission that the death was caused by environmental pollution. But such allegation was vehemently opposed by the project proponent as no conclusive proof was submitted by the applicants to establish that the cause of death of these people is due to pollution caused by IISCO. They would further state that the applicants had earlier filed one Land Acquisition Case No. 23/105 of 2010 against IISCO for higher compensation and higher valuation of the land held by them originally. In 2006, the Applicant No. 2 along with others filed a Writ Petition being W.P. No. 27193 (W) of 2006 before the Hon'ble High Court, Calcutta for enhanced compensation, employment and rehabilitation of the families, whose land was acquired. The project proponent would respectfully submit that there was no allegation against their unit regarding environmental pollution.

11. The Project Proponent would further submit that all deficiencies pointed out by the State pollution Control Board in their earlier Inspection have been, in the mean time, rectified which was denied by the Ld. Counsel appearing for the applicants. In order to reveal the truth and in the interest of justice we decided to cause a fresh inspection and directed the State Pollution Control Board to make an inspection in the light of the submission

made by the Project Proponent and deficiencies detected by PCB in their report filed on dt.24.12.2014.

12. On perusal of the report of inspection report filed by PCB at Page 248 of OA, as per our direction, we find that the unit has met the deficiencies pointed out by PCB earlier to a large extent. The Remarks Column in the report reads as such :

“ Remarks

- \* The Unit has “consent to operate” which is valid up to 31.12.2016.
- \* During inspection to M/s IISCO steel plant it was noticed that though the unit has made plantation around expansion project area and across plant boundary, but same need further improvement.
- \* Internal road was mostly completed.
- \* Effluent monitoring parameters were within permissible limit (April’2015 to March ‘2016)
- \* Stack emission were within the limit except on 13.05.2015 (May ‘ 2015 to February ‘2016) (Table 1)
- \* The Automatic Ambient Air Quality monitoring station installed by M/s IISCO steel Plant located near the village Namopara (near Sanmara Gate) was found to be functional.

13. To our further query, Ld Advocate Mr.Kallol Basu appearing for the Project Proponent would submit, on instruction from his clients, that the Project Proponent shall construct a garland drain around the premises of the Unit in order to ensure that no run off water from the premises find way to the village Namopara and instead the run off water will be directed to river Damodar after meeting the disposal standard. He would further submit that Project Proponent is duty-bound to undertake further plantation and develop greenery in the area.

14. In the written notes of arguments filed by the applicants, references have been made to the following two judgments and observations of the Apex Court.

ii. Right to pollution free air falls within the ambit of Article 21 of the Constitution of India (AIR 1991 SC 420)

iii. Any disturbance of the basic environmental elements namely air, water & soil, which are necessary for life would be hazardous to 'life' within the meaning of Article 21 of the Constitution of India (AIR 2000 SC 1997).

The project proponent in their written notes emphatically argue, that there is absolutely no pollution of the water bodies located in the villages nor the ambient air shows any abnormalities. They further contend that greenery has already been developed in 279ha of land both inside and outside the premises and plantation work around the boundary of the unit in an area of approximately 25 ha will be completed by the year 2018. The unit is operating with all statutory clearances and regulations and there is no report on record that people are affected due to pollution problems contributed by the unit.

15. Having gone through the pleadings along with the documents annexed by the parties as well as the written notes of arguments, we are of the view that at the present it is more of a problem relating to rehabilitation rather than environmental pollution. The villagers, many of whom are employees of the plant in their representation dated 03.02.2009 very frankly admit that from the core of the heart they love their plant and want its expansion for the benefit of the people. Their only prayer is to



rehabilitate them elsewhere after acquisition of their existing homestead land at Namopara, which according to them, not conducive for a healthy-living due to the industrial activities.

16. For the economic growth of the country, industrialization is desirable which provides employment opportunity to the people thereby raising their quality of life. However, along with industrialization it is equally important to ensure that there is minimum harm to the environment and people, which is the concept of Sustainable Development. In any activities, occasional abnormal situation arises and industries are no exception. Even in our day to day life, we also experience some deviations in our health condition, despite our carefulness, for which we have to take medicine to get cured from it. In industries, which largely depend upon machines, occasional variations in their performance are not unexpected. However, constant monitoring and prompt remedial measures can overcome such temporary problems.

17. In the instant case, the machines used are new in the expansion project and require sometime to stabilize. Therefore, from the results of few samples analysed during the infancy of the expansion project it can't be conclusively proved that the Unit is noncompliant. However, with the intervention of the Tribunal the unit could meet most of the deficiencies subsequently. Since the Unit is a large integrated iron and steel industry with a captive power plant, it has a high pollution potential and requires constant surveillance and monitoring by the State Pollution Control Board for timely action to plug the holes. We direct the Project Proponent to construct a garland drain around the premises of the unit within a span of

six months and also develop a green belt in order to prevent the dust particles entering to the village.

18. Since the village Namopara , spreading over 13 acres, is located at a distance of 100m from the northern side of the Project boundary and adjacent to the expansion project and the project is at an elevation of 40ft (approximately), the village may be vulnerable to the environmental deterioration in future in case there is unscientific management of wastes (air pollutant, wastewater and solid wastes) generated from the plant and in the absence of the compliance to the statutory guidelines.

19. Therefore, keeping 'precautionary principle' in view it may be desirable to rehabilitate the villagers of Namopara village elsewhere and acquire the 13 acre of land of the village by the project proponent after paying compensation in accordance to the prevailing rules. However, we restrain ourselves from issuing any direction in the matters of acquisition, rehabilitation and compensation as it doesn't fall in the purview of NGT Act in the present OA.

With the above observations and direction we dispose this OA.

No order as to costs.

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Mr.Justice S.P.Wangdi ,JM

Dated, 06 May, 2016.

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Prof.(Dr.) P.C.Mishra ,EM