

**BEFORE THE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH, KOLKATA  
(Through Video Conferencing)**

Original Application No. 65/2020/EZ

Bhagwan Padhan

Applicant(s)

Versus

M/s Bhushan Power and Steel Limited &amp; Ors.

Respondent(s)

Date of hearing: 21.02.2022

**CORAM: HON'BLE MR. JUSTICE B. AMIT STHALEKAR, JUDICIAL MEMBER  
HON'BLE MR. SAIBAL DASGUPTA, EXPERT MEMBER**

For Applicant(s) : Mr. Batakrishna Behara, Advocate

For Respondent(s) : Mr. Tridib Bose, Advocate for R-1 to 3,  
Mr. Dipanjan Ghosh, Advocate for R-4,  
Mr. Prasenjeet Mohapatra, Advocate for R-5, 6 & 7,  
Mr. Gora Chand Roy Choudhury, Advocate for SEIAA,  
Odisha

**ORDER**

1. One affidavit dated 09.02.2022 has been filed by the Respondent No.4; same is taken on record.
2. One affidavit dated 17.02.2022 has been filed by the Respondent No.1, same is taken on record.
3. One affidavit of service dated 15.02.2022 has been filed by the Applicant; same is taken record.
4. Along with the affidavit of the Respondent No.1 Annexure-B has been filed which is a letter communication to the Member Secretary, Odisha State Pollution Control Board by Respondent No.1 showing the compliance made by Respondent No.1. The compliance shown by the Respondent No.1 are reproduced herein under:-

<b>Sl. No.</b>	<b>Direction</b>	<b>Compliance</b>
1	<i>Carry out three tier avenue plantation of native species along the haulage road and at the dump site.</i>	<i>We have already done thick plantation over all the reclaimed dumps 1, 2, 3, 4 &amp; 5. Till date we have planted about 1,76,435</i>

		<p>Nos. of trees at Derba solid waste disposal site. Photographs of reclaimed dumps with plantation enclosed as Annexure-1.</p> <p>Solid waste disposal at ash mound No.6 has been stopped after receipt of direction from the Board. The ash mound No.6 has been covered with thick layer of soil for proper reclamation. We have planted 8000 Nos. of trees over the top and about 7000 Nos. on the slopes of ash mound No.6 during this monsoon. Photographs enclosed as Annexure-2.</p> <p>We have already started three tier avenue plantations of native species along the haulage road within the dump site. About 600 Nos. of trees have already been planted and work is in progress. Photograph of plantation is enclosed as Annexure-3.</p>
2	Provide more nos. of test wells/bore wells around the ash disposal site to monitor the ground water quality.	We have already constructed 04 Nos. of new bore wells surrounding the entire disposal site for regular monitoring of ground water quality. Photograph of bore wells are enclosed as Annexure-4. Presently 05 Nos. of bore wells are available at site for ground water sampling.
3	Provide retaining wall of adequate height/toe wall at ash mound no.6 agricultural land as safeguard to prevent wash out of ash.	Retaining wall/toe wall is already constructed all around ash mound No.1, 3, 4, 5 and 6. Toe wall construction work is in progress at left out portion of ash mound No.2 which shall be completed by 31 <sup>st</sup> December 2021. We shall continue construction of retaining

		<p>wall/toe wall all around ash mound No.7 and complete the same by 31<sup>st</sup> March 2022. Photograph of toe wall construction work which is under progress at site is enclosed as Annexure-5.</p> <p>As directed we will increase the height of the retaining wall/toe wall of ash mound no.6 &amp; 7 for safeguard and to prevent any wash out of ash. The construction of toe wall as directed by you shall be completed by 31<sup>st</sup> March 2022.</p>
4	Ash mound no.7 shall be reclaimed biological and proper toe wall provided as presently there is no toe wall.	We will complete construction of toe wall all around the ash mound No.7 by 31 <sup>st</sup> March 2022.
5	Provide proper treatment system for surface run-off at ash mound no.1, ash mound no.2, ash mound no.3, ash mound no.4, ash mound no.5 and ash mound no.7 to prevent any wash out of solids to nearby nalla/agricultural field.	We have provided garland drain followed by settling tanks in all the ash mounds. We will clean the garland drains and settling tanks by 31 <sup>st</sup> January 2022. We will make necessary arrangements to ensure prevention of any wash out solids to nearby nalla or agricultural fields.
6	Conduct a detail seasonal study through reputed institute to know the cause of exceeding of standard w.r.t. Pb and Total Fe and Management in ground water samples and remedial measures to restore the water quality of the area.	<p>As directed by the Board we have already engaged Prof. Sanjat Kumar Sahu, HOD, PG Dept. of Environmental Science, Sambalpur University to conduct study on the following aspects at our Derba solid waste disposal site.</p> <ol style="list-style-type: none"> <li>1. Stability study on solid waste dump site.</li> <li>2. The condition of fly ash pond including the dump fly ash which may result in leaching of pollutants to soil and underground water.</li> <li>3. Environmental degradation caused on</li> </ol>

		<p>account of any leaching from ash dump site and also impact on flora &amp; fauna, etc.</p> <p>4. Detail plantation studies with scope for three tire avenue plantation.</p> <p>The consultant has already started sample collection work at site.</p> <p>Once the study is completed, we will submit a time bound action plan to the Board for implementation of remedial measures as per the recommendations of the consultant.</p>
7	Submit detail closure plan of this ash mound site at Derba and proposal for alternative solid waste disposal site.	The closure plan of ash mound site at Derba along with proposal for alternative solid waste disposal site will be submitted within one month to the Board.

5. We, therefore, direct the Respondent No.4, Odisha State Pollution Control Board to verify the compliances contended in Annexure-B of the affidavit dated 17.02.2022 and the non-compliances found in the Inspection Report whether they have also been complied with or not and file a reply within three weeks.

6. **List on 30.03.2022.**

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**B. Amit Sthalekar, JM**

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**Saibal Dasgupta, EM**

February 21, 2022  
Original Application No. 65/2020/EZ  
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