

Item No.03

Court No.1

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

Original Application No.43/2024/EZ

Akash Kalo

Applicant(s)

Versus

M/s JSW Bhushan Power and Steel Limited & Ors.

Respondent(s)

Date of hearing: 12.03.2024

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

For Applicant(s) : Mr. Batakrishna Behera, Advocate (in Virtual Mode)

ORDER

1. Heard Mr. Batakrishna Behera, learned Counsel appearing (in Virtual Mode) for the Applicant.
2. The allegation of the Applicant in the present Original Application is that the Respondent No.1, M/s JSW Bhushan Power and Steel Limited, is causing illegal deposition of raw iron dust over the forest land by constructing a pond-cum-stockyard and operating the same in the highly risky level near village Bisadihi, District-Sambalpur, Odisha.
3. It is stated that the Respondent No.1 industry has been established with the objective of operating and manufacturing production of Iron, Sponge Iron, Steel etc. by burning huge quantities of coal situated at Thelkoloi, P.O.- Lapanga, District-Sambalpur, Odisha. It is also stated that for production of iron materials the Respondent Nos.1 & 2 are supposed to keep the raw iron in the stockyard-cum-iron pond by mixing it with water.
4. It is further stated that the iron pond having been constructed by Respondent No.1 is about 200 meters from the Applicant's village

and there is no green belt surrounding the area nor any boundary or polythene sheet has been installed before depositing the raw iron dust after digging 50 feet near the Village-Bisadihi and the underground water is also contaminated with crude iron and turned in red colour.

5. It is stated that construction of raw iron pond-cum-iron stockyard was started in the month of November, 2020, and due to heavy dust pollution and contamination of ground water, the Applicant and other villagers submitted the representation on 14.07.2023 (Annexure-B (colly), before the Respondent No.4, Collector and District Magistrate, Sambalpur, but no action has been taken till date.
6. Photographs have been filed with the Original Application in support of the allegations made in the Original Application.
7. Matter requires consideration.
8. Issue notice to the Respondents, returnable within four weeks.
9. Ms. Papiya Banerjee Bihani, learned Counsel who is present in Court, accepts notice on behalf of the Respondent No.3, State Pollution Control Board, Odisha.
10. Mr. Shakti Prasad Panda, learned Additional Government Advocate who is present (in Virtual Mode), accepts notice on behalf of the Respondent Nos.4, 5 & 6, State Respondents, Government of Odisha.
11. Mr. Dipanjan Ghosh, learned Counsel who is present in Court, accepts notice on behalf of the Respondent No.7, Central Pollution Control Board.
12. Issue notice to the Respondent Nos.1&2, M/s JSW Bhushan Power and Steel Limited, returnable within four weeks.

13. All the Respondents shall file their counter-affidavits within four weeks.
14. Considering the allegations made, we deem it appropriate to constitute a Committee comprising of the following Members:-
 - (i) Senior Scientist, Odisha State Pollution Control Board;
 - (ii) Senior Scientist, Central Pollution Control Board;
 - (iii) Collector-cum-District Magistrate, Sambalpur, or his representative not below the rank of Additional District Magistrate,
15. The Committee shall visit the site in question and submit its report on affidavit within four weeks with regard to the allegations made in the Original Application.
16. The District Magistrate, Sambalpur, shall be the Nodal Office for all logistic purposes.
17. The Committee Report on affidavit shall be filed by the State Pollution Control Board, Odisha.
18. The Counsel Applicant shall serve e-copy/soft copy of the Original Application along with all its annexures upon Mr. Shakti Prasad Panda, Ms. Papiya Banerjee Bihani and Mr. Dipanjan Ghosh, Counsel for the Respondents within 48 hours.
19. **List on 02.05.2024.**

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B. Amit Sthalekar, JM

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Dr. Arun Kumar Verma, EM

March 12, 2024,
Original Application No.43/2024/EZ
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