

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

Original Application No.15/2023/EZ

Siba Kisan & Ors.

Applicant(s)

Versus

M/S J.S.W. (BPSL) Power and Steel Ltd. & Ors.

Respondent(s)

Date of hearing: 13.03.2023

**CORAM: HON'BLE MR. JUSTICE B. AMIT STHALEKAR, JUDICIAL MEMBER  
HON'BLE PROF. A. SENTHIL VEL, EXPERT MEMBER**

For Applicant(s) : Ms. Priyanka Mondal, Advocate

**ORDER**

1. Heard Ms. Priyanka Mondal, learned Counsel appearing for the Applicants on admission.
2. The allegation in the Original Application is that the Respondent No.1 who is the Project Proponent is engaged in the manufacture of Iron, Sponge Iron, Steel etc by burning huge quantity of Coal and processing raw iron. It is stated that the Project Proponent in the process of its operation is producing Coal Ash which is being released in the air and thereby damaging air, water, cultivable land and Reserve forest.
3. It is stated that this company is located in Village-Thelkolai, Office Lapanga, Police Station-Thelkolai, District-Sambalpur, Odisha.
4. It is also stated that the cultivable land of the Applicants is situated hardly 10 to 15 meters distant from the plant of the Respondent No.1 which are Plot Nos. 326/163, 257, 326/123, 326/150, 256, 326/70, 326/48 and 326/49.
5. It is also alleged that in the course of its business while exporting products and importing raw material, heavy vehicles are being plied

by the Respondent No.1 causing extensive quantities of dust blowing in the air and no measures are being adopted by the Respondent No.1 for dust control.

6. We also find that the Applicants had made a complaint in this regard to the State Pollution Control Board, Orissa vide their letter dated 19.12.2022. Copy of which has been filed as "Annexure-B" (page-38 of the paper book). Similar complaint has also been made to the Collector-cum-District Magistrate, Sambalpur, Orissa, by registered post. The tracking record of the registry and its delivery has been filed at Page-43 of the paper book which shows delivery to the concerned Respondents.
7. In our opinion, matter requires consideration.
8. Issue notices to the Respondents, returnable within four weeks.
9. Mr. Dipanjan Ghosh, learned Counsel appearing in Virtual Mode, accepts notice on behalf of the Respondent No.4, Odisha State Pollution Control Board.
10. Mr. Tarun Patnaik, learned Additional Standing Counsel appearing in Virtual Mode, accepts notice on behalf of the State Respondents, Respondent Nos.5,6,7,8 & 9.
11. All the Respondents shall file their counter-affidavits within four weeks.
12. The Respondents in their counter-affidavits shall explain what action they have taken on the complaint made by the Applicants on 19.12.2022 prior to filing of the present O.A. and if no action has been taken promptly, why no action has been taken till date of issuance of notice.
13. Considering the allegations made, we deem it appropriate to constitute a Committee comprising of the following Members:-

- (i) Senior Scientist from the Odisha State Pollution Control Board;
  - (ii) Divisional Forest Officer, Forest Department, Sambalpur, Odisha or some senior officer nominated by him; and
  - (iii) Additional District Magistrate, Sambalpur Collectorate, Odisha,
14. The Committee shall submit its report with regard to the damage caused to the environment as well as suggest remedial measures to be taken within four weeks.
15. Learned Counsel for the Applicants shall serve e-copy/soft copy of the Original Application along with all its annexures upon Mr. Dipanjan Ghosh and Mr. Tarun Patnaik, learned Counsel for the Respondents within 24 hours.
16. **List on 18.04.2023.**

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**B. Amit Sthalekar, JM**

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**Prof. A. Senthil Vel, EM**

March 13, 2023  
Original Application No.15/2023/EZ  
BD