

Item No.04

Court No. 1

**BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI**

Original Application No. 809/2018

Anwar Hussain Ansari, Jhamumo  
Alpsankhayak Morcha

Applicant(s)

Versus

State of Jharkhand

Respondent(s)

Date of hearing: 03.05.2019

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON  
HON'BLE MR. JUSTICE S.P. WANGDI, JUDICIAL MEMBER  
HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER  
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

For Applicant(s):  
For Respondent(s):

**ORDER**

1. The question for consideration is remedial action against the alleged pollution of the ground water by M/s Aditya Birla Chemicals, Rehla, District Palaamu on account of fly ash produced by industrial process. It was also alleged that the water was being used for making caustic soda and thereafter toxic effluents were being discharged without safeguards affecting the public health in Palaamu District. Vide order dated 15.12.2018, a report was sought from the Jharkhand State Pollution Control Board (JSPCB).

2. Accordingly, report has been received vide email dated 10.04.2019 annexing an inspection report of M/s Grasim Industries Limited, Chemical Division at Mouza which is a unit of M/s Aditya Birla Chemicals dated 20.09.2018 finding deficiencies under the heads; 'water pollution', 'air pollution', 'solid & hazardous waste management', 'bio-medical management', 'construction and demolition waste management', 'fly ash disposal', 'land documents', 'EC compliances' and 'CTO compliances'. A show cause notice was issued under the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981 in the light of deficiencies noticed.
3. We also find from the record that an inspection was carried out by the Central Pollution Control Board (CPCB) in respect of discharge of air and water pollutants and a notice was issued proposing action under the provisions of Section 25 of the Water (Prevention and Control of Pollution) Act, 1974 and 21 of the Air (Prevention and Control of Pollution) Act, 1981.
4. Another inspection was conducted in the light of directions of the State PCB dated 18.01.2019. Even in that report deficiencies were noticed which resulted in directions to require bank guarantee of Rs. One crore to remedy the deficiencies.
5. Third inspection was carried out by the State PCB on 29.03.2019 recommending as follows:

### **“General Recommendations**

1. *The timelines given by the unit in compliance status submitted to the Board should be strictly implemented.*
2. *The Retaining wall should be raised uniformly on all sides and for hassle free dumping of brine sludge via vehicle, ramp has to be constructed.*
3. *The plastic waste mixed inside the brine sludge should be separated and disposed properly.*
4. *The surface run off pit constructed is not a proper substitute of leachate collection pit and much improvement is needed.*
5. *Static water sprinklers should be installed on the internal roads, approach road and dust prone areas.*
6. *The damage part of effluent drain needs maintenance.*
7. *Automatic system of lime dosing should be implemented instead of manual one.*
8. *Tree plantation should be properly provided in all the areas especially in ETP outlet/Sludge Lagoon/Hazardous Waste Storage area, etc.”*

6. From the above reports, it is clear that the unit is causing pollution as found in the reports. While requirement of performance guarantee may be a step to remedy the pollution, compensation for the damage caused is required to be assessed and recovered. Quantum should not only be sufficient to restore the environment but also deterrent. Since the unit is

highly polluting and falls under the category of seventeen most polluting industries, the period of one year may be required to be reduced appropriately and amount of performance guarantee enhanced.

7. Let a report of the assessment and recovery of damages, reduction of period for remedial action and increasing the amount of the performance guarantee may be furnished by the Jharkhand State Pollution Control Board (JSPCB) within three months by email at [ngt.filing@gmail.com](mailto:ngt.filing@gmail.com).
8. A copy of this order be sent to the Jharkhand State Pollution Control Board (JSPCB) by email.

List for further consideration on 22.08.2019.

Adarsh Kumar Goel, CP

S.P. Wangdi, JM

K. Ramakrishnan, JM

Dr. Nagin Nanda, EM

May 03, 2019  
Original Application No. 809/2018  
AK