

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

Original Application No.165/2023/EZ

Sudhansu Sekhar Patra & Ors.

Applicant(s)

Versus

State of Odisha

Respondent(s)

Date of hearing: 22.11.2023

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

For Applicant(s) :

For Respondent(s) :

**ORDER**

1. This Original Application is being taken up in view of the letter petition dated 01.09.2023 on the allegations against the Industrial Establishments which read as under: -

*“The industrial establishments are not at all concerned about their activities and the impact of it on environment. Many of them does not have the requisite pollution control devices installed within the plant area. Sponge iron units have installed the dedusting systems for namesake that are not maintained and are functioning with the defective bags. Water flowing out of the plant are left untreated and allowed to disgorge into the river or cultivated land, wells. Many industries don't have proper sewage treatment plant. Not a single posses fog canon to suppress the dispersal of PM 2.5 and PM1 in air. The charcoal heaps are adversely impacting the environment. During rainy seasons, the charcoal are getting carried away with rain water and getting accumulated in the cultivable land thereby reducing the fertility of the soil. Also, during summer and winter seasons, the*

*charcoal dust are getting dispersed in the air, adversely impacting the environment and people residing nearby.”*

2. In our opinion, matter requires consideration.
3. We, therefore, direct that notices be issued impleading the following Respondents in the array of Respondents: -
  1. Odisha State Pollution Control Board,
  2. District Magistrate, Sundargarh, Odisha,
  3. Central Pollution Control Board,
  4. Principal Secretary, Ministry of Environment, Forests and Climate Change (MoEF&CC), Bhubaneswar
4. We also direct that the Industrial Establishments against which the allegations have been made, to be impleaded in the array of Respondents as Respondent Nos.: -
  5. Kalinga Sponge Iron Ltd., Kalunga, Sundargarh
  6. Sponge Udyog, Kalunga, Sundargarh
  7. Shri Bajrangbali Steel, Kalunga, Sundargarh
  8. Utkal Metallics, Kalunga, Sundargarh
  9. Meta Sponge Pvt. Ltd., Kalunga, Sundargarh
  10. Reliable Sponge Private Limited, Kalunga, Sundargarh
  11. Rourkela Sponge LLP, Balanda, Sundargarh
  12. Agrasen Sponge Iron Pvt. Ltd., Mandiakudar, Sundargarh
  13. Scan Steel Ltd. Unit-1 & 2, Rambahal & Gangajal, Sundargarh
  14. Seeta Integrated Steel & Energy Pvt. Ltd., Kalunga, Sundargarh
  15. Balaji Metalicks, Birkera, Sundargarh
5. Issue notice to the Respondents, returnable within four weeks.

6. Mr. Dipanjan Ghosh, learned Counsel who is present in Court, accepts notice on behalf of Respondent No.1, Odisha State Pollution Control Board.
7. Mr. Rajesh Tripathi, learned Counsel for State of Odisha who is present (in Virtual Mode), is directed to accept notice on behalf of Respondent Nos.2, District Magistrate, Sundargarh.
8. Ms. Rashmi Singhee, learned who is present (in Virtual Mode), accepts notice on behalf of the Respondent No.4, Ministry of Environment, Forests and Climate Change (MoEF&CC).
9. Mr. Ashok Prasad, learned Counsel who is present in Court, accepts notice on behalf of Respondent No.3, Central Pollution Control Board.
10. Issue notice to the newly impleaded Respondent Nos.5 to 15, returnable with four weeks.
11. All the Respondents shall file their counter-affidavits within four weeks.
12. Since this Original Application has been taken up on letter petition, we, therefore, request Mr. Sankar Prasad Pani, learned Counsel who is present in the Court, to assist this Court as Amicus Curiae. Mr. Sankar Prasad Pani has also consented to assist this Court as Amicus Curiae.
13. Considering the allegations made out in the Original Application, we deem it appropriate to constitute a Committee comprising of the following Members:-
  - a)** District Magistrate, Sundargarh or his nominated representative not below the rank of Additional District Magistrate (ADM);
  - b)** Senior Scientist, Odisha State Pollution Control Board;

**c)** Senior Scientist, Central Pollution Control Board, Regional Office, Bhubaneswar; and

**d)** Mr. Sankar Prasad Pani, Amicus Curiae

14. The Committee shall visit the site and submit its Report with regard to the allegations made in the Original Application within two months considering that there are 11 Industrial Establishments to be inspected and Report to be submitted.
15. The District Magistrate, Sundargarh shall be the Nodal Body for all logistic purposes and shall file the Inspection Report on affidavit.
16. In case violations are found, the Committee shall recommend penalty as well as Environmental Compensation and also suggest remedial measures, if any.
17. We also direct that Odisha State Pollution Control Board shall provide all logistic support to Mr. Sankar Prasad Pani, the learned Amicus Curiae.
18. We direct the office of the Tribunal to provide e-copy/soft copy of the Original Application along with letter petition and all its annexures to Mr. Dipanjan Ghosh, Mr. Rajesh Tripathi, Ms. Rashmi Singhee and Mr. Ashok Prasad, learned Counsel for the Respondents within two days.
19. **List on 08.02.2024.**

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**B. Amit Sthalekar, JM**

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**Dr. Arun Kumar Verma, EM**

November 22, 2023,  
Original Application No.165/2023/EZ  
SKB