

Item No. 01

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
(Through Video Conferencing)**

Original Application No. 36/2019 (EZ)

Bijay Mishra

Applicant(s)

Versus

Sumitra Kumar Shah & Ors.

Respondent(s)

Date of hearing: 26.05.2020

**CORAM: HON'BLE MR. JUSTICE S. P. WANGDI, JUDICIAL MEMBER
HON'BLE MR. SIDDHANTA DAS, EXPERT MEMBER**

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

ORDER

1. Case taken up by video conference on *Vidyo App*.
2. The question raised in the present application is the disposal of coal ash into the ash pond by the Respondent No. 1 situated in the vicinity of the residential area of village Baghai, Delhi. According to the Applicant, although the land on which the ash pond is located is owned by Respondent No. 1, the distance of the ash pond from the village is just about 300-400 meters. Coal ash is produced by the Respondent No. 1 company which is engaged in manufacture of Pig Iron, Sponge Iron, basic steel and iron for which the essential fuel used is coal.

3. It is alleged that the coal ash from the ash pond has been contaminating ground water. One of the pollutants contaminating the soil and the ground water was found to be arsenic, quantity of which is stated to be increasing every year. Ash dust discharged from the unit and its surrounding has been polluting the air and also settle on the plants and leaves of the trees damaging the vegetation of the area. White ash dust also settle on the houses of the villagers, their clothes, trees, fruits, crops, water and even in their food which has resulted in the villagers suffering from serious respiratory and other illness. The coal and iron dust emitted from the plant create a dusty environment. The cause of air being polluted by the emission from the industrial unit is the failure on the part of the industry to install advanced technology for filtration and suppression of dust. That apart, it is contended that the Respondent No. 1 has also failed to establish adequate green belt around the plant site as required under the guidelines prescribed by the CPCB. No online monitoring system has been installed by the Respondent No. 1 for regulating discharge of effluent and air pollutants. The unit has also failed to comply with the Notification dated

14.09.1999 issued by the MoEF&CC for utilization of fly ash.

4. We have heard the learned Counsel for the Applicant and perused the application and annexures filed therewith. We are satisfied that the Applicant has raised substantial question relating to environment that requires our consideration.
5. Issue notice returnable in one month.
6. The Applicant to furnish requisites within one week from hence.
7. However, in view of the prevalent situation caused by the pandemic, the Applicant is at liberty to serve notice by e-mail apart from the formal notice.
8. In the meanwhile, we direct State Pollution Control Board (SPCB) and the District Collector, Jharsuguda District to jointly inspect the industry in question, verify on the factual aspects raised in the application.
9. In the event the allegations are found to be correct, the State PCB shall be at liberty to take appropriate action against the Respondent No. 1 in accordance with law.

10. Let a joint compliance report be filed through the State PCB in coordination with the DM, Jharsuguda within 30 days from hence.

11. During the inspection the presence of the Applicant shall be ensured by the State PCB and the District Magistrate for which appropriate notice shall be issued to the Applicant conveying the date and time of such inspection.

12. List on 16.07.2020.

S.P. Wangdi, JM

Siddhanta Das, EM

26th May, 2020
O.A. No. 36/2019 (EZ)
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