

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

**M.A. No. 743/2013
In
Original Application No. 11/2012**

**Residents of Village Kadamdih Through Umang Choudhary
V/s.
State of Jharkhand & Ors.**

**CORAM: HON'BLE MR. JUSTICE U.D. SALVI, JUDICIAL MEMBER
HON'BLE MR. RANJAN CHATTERJEE, EXPERT MEMBER**

**Present: Applicant / Appellant :Mr. Salik Shafique, Mr. Adarsh Srivastava, Adv.
Respondent No. 1to3, 6to8 :Mr. Kumar Anurag Singh, Adv.
Respondent No. 4 :Mr. Biswajit Das, Nayanika pattnaik, Adv.**

	Date and Remarks	Orders of the Tribunal
	Item No. 6 July 31, 2015	<p>Heard. Perused.</p> <p>The Applicants – Residents of Village Kadamdih initiated O.A. No. 11 of 2012 seeking directions to the Respondent No. 4 – M/s. Adhunic Alloy & Power Limited to remove industrial waste dumped at the private plot no. 65 and part plot no. 71 and to refrain from dumping any further industrial waste in that area. The applicants also sought directions against the respondent no. 4 to get the water tank situated on plot no. 67 fully cleaned. It was alleged that the Respondent No. 4 in nexus with Respondent Nos. 9 and 13 and Jharkhand State Pollution Control Board (JSPCB) had dumped Dolochar-the hazardous industrial waste on the said lands in the State of Jharkhand. The main application – Original Application No. 11/2012 was disposed of with a direction to the Respondent No. 4 to remove the Dolochar from the said properties within four weeks under the supervision of the authorities concerned vide order dated 28.05.2013.</p> <p>On 4.9.2013, the Applicants moved the present</p>

application - M.A. No. 743/2015 for compliance of the order dated 28.05.2013 and to impose heavy cost for non-compliance of the Tribunal's order and damages for polluting the environment. According to the applicant the Dolochar removed was indiscriminately disposed off on open lands or riverbanks.

According to the Applicant there are seven sites where the Dolochar is found dumped as follows:

1. Bank of River Bamni, about 2.5 kms from Chandil Railway Station on NH-32 leading to Purulia, District Saraikella Kharsawan, Jharkhand.
2. The premise of the Sub-Divisional Officer, complex in lower Chandil district Saraikella Kharsawan, Jharkhand around 3 acres of more.
3. The site 50 meters from old SDO office building, situated near Chandil Dam Colony in Village Chandil, district Saraikella Kharsawan, Jharkhand.
4. A place called 'Goddalengi' which is on NH-33 near Chandil Dam Road Diversion, Saraikella Kharsawan, Jharkhand.
5. On the bank of river Subarnarekha near the bridge of river Subarnarekha on NH-33 in village Joida, Saraikella Kharsawan, Jharkhand.
6. On the bank of river Subarnarekha in village Nargadih, district Saraikella Kharsawan, Jharkhand.
7. Area called Patadown near the Lal Petrol

Pump on NH-33 near village district Saraikella
Kharsawan, Jharkhand.

However, the applicants have not placed anything to suggest that it is the Respondent No. 4 – M/s. Adhunic Allow Power Limited who has dumped the Dolochar at the sites referred to hereinabove.

Answering the allegations of indiscriminate disposal of the Dolochar, the Respondent No. 4 – M/s. Adhunic Alloy & Power Limited submitted that the Dolochar was removed from the plots of land in question in the main application by them by means of 10 big dumpers at the cost of Rs. 40 Lakhs between 15.09.2013 and 24.12.2013 and was removed to their premises located at Kandara Chowka Road, District Saraikela, Jharkhand and the same was being used and consumed in Respondent No. 4 – M/s. Adhunic Allow Power Limited's captive power plant as fuel for generating electricity. The respondent no. 2- the State Pollution Control Board supports the respondent no. 4. However, we directed the Respondent No. 2 – JSPCB to suggest the process of remediation and restoration of the area where the Dolochar is found lying.

Learned Counsel appearing for the Respondent No. 2 submits with reference to the suggestions made by the JSPCB for remediation and restoration that the Dolochar has a calorific value and can be used as a fuel and as such the District Administration may go and sell such Dolochar on "as it is where it is" basis. He further pointed out from the said suggestions that the Dolochar is not indicated in Schedule-1 of the Hazardous Wastes (Management, Handling and

Transboundary Movement) Rules, 2008. However, learned Counsel appearing for the Applicant pointed out from Study of iron and sponge industries conducted by the Centre for Science and Environment annexed to the rejoinder reply as annexure-1 dated 13.02.2015 that the Dolochar is a solid waste generated by sponge iron industries and its indiscriminate disposal would lead to ground water contamination as well as the effect of Dolochar on agricultural productivity. We have perused the said article disclosing the study. There are no specifics revealed in the study regarding the effect on agricultural productivity and contamination of ground water. Whereas the suggestions put forth by the JSPCB reveal that there has been no adverse effect of the Dolochar on the quality of underground water.

Be that as it may, Dolochar is not a mineral but the byproduct of the industrial activity. According to the learned Counsel appearing for the Respondent No. 4 the Dolochar has carbon, aluminum dioxide, magnesium oxide, silicon dioxide, as its chemical components.

In this context, we have before us the guidelines published by CPCB in 2007 prescribing code of practice for pollution prevention for sponge iron plants. Para 7.4 of the guidelines page 115 deals with the solid waste management, particularly, the 'char' and stipulates certain practices as follows:

“Char should be mixed with coal or coal washery rejects and used as fuel for generation of power. It is techno-economic viable option for plants having capacity 200 TPD and above. Also the smaller capacity individual sponge Iron plants (capacity upto 100 TPD) and operating in cluster can collectively install common unit for power

generation. The Sponge Iron Plant are free to explore other options /possibilities to use char for generation of power. Char can be sold to local entrepreneurs for making coal briquettes. It can also be mixed with coal fines, converted to briquettes and used in brick kilns. The industry can explore other reuse/recycling techniques for Char.

Under no circumstances char should be disposed off in agricultural fields/other areas. Logbook for daily record, of Char production and usage must be maintained by the industry and the record shall be made available to officials of CPCB/SPCB/PCC during inspection.”

From reading of this it is not difficult to find that in no circumstances the Char should be disposed off in agricultural fields/other area.

In light of these guidelines we are prompted to pass the following directions:

The Respondent No. 1 – State of Jharkhand in conjunction with the Respondent No. 2 JSPCB shall take measures for removal of the Dolochar from the banks of the rivers/water bodies/agricultural fields and allow it to be used either as fuel by the sponge iron companies, if it is possible, or remove it to the sites where landfill is necessary.

Respondent no. 2 – JSPCB shall strictly monitor the sponge iron industries as regards the disposal of the Dolochar and ensure that the industries are using the Dolochar for energy generation and if no proper record is maintained by anyone of the sponge iron industries regarding its generation, storage and use/disposal, as required by CPCB guidelines they may proceed to take coercive measure against such erring industries in accordance with law.

The Respondent no. 4 undertakes that they shall

not dump or throw the Dolochar in any open area but shall continue to use it for captive power plant or sell it to other industries as a fuel.

All Sponge iron industries generating Dolochar shall maintain the record of the Dolochar generated and utilized. Three months time is granted for clearing the riversides, agricultural fields, water bodies referred to hereinabove of the Dolochar.

M.A. No. 743/2013 and M.A. NO. 58/2014 for similar reliefs stand disposed of accordingly.

.....,JM
(U.D. Salvi)

.....,EM
(Ranjan Chatterjee)

