

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

Original Application No. 173/2013

And

M. A. Nos. 280/2014 & 115/2014

Anil Kumar Nanda & Anr. V/s. MoEF & Ors.

**CORAM: HON'BLE MR. JUSTICE DR. P. JYOTHIMANI, JUDICIAL MEMBER
HON'BLE MR. JUSTICE U.D. SALVI, JUCIDIAL MEMBER
HON'BLE DR. G. K. PANDEY, EXPERT MEMBER
HON'BLE MR. BIKRAM SINGH SAJWAN, EXPERT MEMBER**

Present:

Applicant / Appellant	:Mr. Siddharth Mishra and Mr. A.A. Dash, Adv.
Intervener	:Mr. Rahul Choudhary, Adv.
Respondent No. 1	:Mr. Vikas Malhotra, Adv. along with Mr. M. P. Sahay, Adv.
Respondent No. 2	:Mr. Amar Gupta, Mr. Mayank Mishra & Ms. Vandana Anand, Adv.
Respondent No. 3&4	:Mr. A.K. Panda, Sr. Adv, and Mr. S. Panda and Mr. M. Paikaray, Adv.
Respondent No. 5	:Mr. Dushyant K. Mahant, Adv.
Respondent No. 6&8	: Mr. Sunil Mund, Adv.
Respondent No. 14&22	: Mr. Raj Panjwani, Sr. Adv.
Respondent No. 24	: Mr. Jayesh Gaurav, Adv.
Respondent No. 25	: Ms. Priya Kumar, Adv.
Respondent No. 26	: Mr. Ratan K. Singh, Ms. Shashi Bhushan, Mr. Suraj Prakash and Ms. Jyoti Choudhary, Adv.
CECB	: Ms. Yogmaya Agnihotri, Adv.

Date and Remarks	Orders of the Tribunal
Item No. 5 October 17, 2014	<p>This application has been filed by the applicant for a direction to shut down the plant of coal tar at village Ekagharia Talcher in the district of Angul Orissa, till the Environment Clearance is granted to the project and set aside the permission granted thereon by letter dated 22.05.2013 to respondent no. 2 by respondent no. 3 to operate the coal tar plant at Village Ekagharia Talcher in the district of Angul Orissa, and also to direct to relocate the plant from a non-sanctioned area to a sanctioned area for setting up of such a plant.</p> <p>In the order of this Tribunal dated 08.08.2014, this Tribunal has directed the MoEF to clarify as to how entry no. 5(f) of EIA Notification 2006 does not cover the</p>

processing units. By a subsequent order dated 12.09.2014, the Tribunal has directed the State Pollution Control Board (SPCB) to consider the application dated 21.02.2014 of the project proponent for consent to operate and dispose of the same within three weeks time.

In accordance with the above said direction, the Learned Counsel appearing for the MoEF has filed a communication of the Ministry dated 2.09.2014 addressed to the learned Counsel appearing for the MoEF clarifying their position regarding the scope of clause 5(f) of the EIA Notification. The content of the said letter reads as follows:

“This has reference to your e-mail dated 12.08.2014 regarding NGT order dated 8th August, 2014 on the above mentioned subject. In this regard, I am directed to clarify that Coal tars are condensation products obtained during the production of coke and or natural gas through destructive distillation of coal. Coal tar pitch is the solid fraction produced during the distillation of coal tars. Coal tar process does not involve synthesis of two organic compounds but it is distillation process. As per amended notification dated 25th June, 2014, coal tar processing units are falling under item no. 4 (ii) in the schedule of the EIA Notification, 2006. Therefore, coal tar processing does not fall under 5(f) of the EIA Notification, 2006. Hence, application of coal tar processing units are prospective in nature. Same may be informed to the Court.”

We record the said clarification issued by the Government of India and without expressing any opinion on the merits of any of the contents thereon and giving liberty

to any party who are likely to be affected by such communication, the said prayer regarding EC in this application stands closed.

In so far as it relates to the next prayer of the Pollution Control Board in granting permission for Consent to Operate, it remains a fact that respondent no. 2 has already been granted Consent to Operate which was valid up to 2014. The learned Counsel appearing for Orissa SPCB has today produced a copy of the consent order issued by the SPCB in and by which the SPCB has extended the Consent to Operate order for a period up to 31.03.2015.

In the circumstances when the SPCB has granted Consent to Operate up to 2015, the prayer of the applicant regarding permission granted to the respondent no. 2 is also answered. However, we make it clear that if any applicant or any other person is affected by such order of consent to operate granted by SPCB, it is open to such parties to seek appropriate remedy in the manner known to law. With the above direction, we are of the considered view that no further issue is involved for the purpose of adjudication in this case.

Accordingly, the Original Application No. 173/2013 stands closed. All the connected M.A. No. 280/2014 and M.A. No. 115/2014 are also closed.

....., JM
(Dr. P. Jyothimani)

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

....., EM
(Dr. G.K. Pandey)

....., EM
(B.S. Sajwan)

