

Andreza

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 10 OF 2021

1. Mr. Sidhesh Gawas & anr. ...Petitioners

Versus

1. The State of Goa, Thr. Its Chief Secretary & 5
Ors. ...Respondents

Mr. Vithal Naik, Advocate for the Petitioners.

**Mr. D. Pangam, Advocate General with Ms. Ankita Kamat,
Additional Government Advocate for the Respondent nos. 1 and
3.**

Mr. Pavithran AV, Advocate for Respondent No. 2.

**Mr. S. S. Kantak, Senior Advocate with Mr. Abhijit Gosavi,
Advocate for Respondent no. 6.**

**CORAM: SUNIL P. DESHMUKH &
M. S. SONAK, JJ**

DATED: 3rd August 2021

ORAL ORDER

1. Heard Mr. Naik, learned Counsel for the Petitioners, Mr. D. Pangam, learned Advocate General for the Respondent nos.1 and 3, Mr. Pavithan, learned Counsel for the Respondent no.2 and Mr. S. S. Kantak, learned Senior Advocate for the Respondent no. 6.

2. This petition was instituted in purported public interest seeking the following substantive reliefs :

“(a) Issue a writ of Mandamus or writ in nature of the Mandamus directing the Respondent no. 2, 4, and 5 to immediately conduct a Site

Inspection to ascertain position at loco and take appropriate steps to abate the illegal act of carrying out structural changes in unit for enhancement and expansion of the Blast Furnace 3 at Navelim.

(b) Issue a writ of Mandamus or writ in nature of the Mandamus directing the Respondent no. 6 to dismantle the structure of Blast furnace three (BF3) at their own expense.”

3. Having regard to the allegations made in the Petition, we directed the Goa State Pollution Control Board (GSPCB) to inspect the plant of Respondent no.6 and to file an inspection report, in the context of the allegations made.

4. Accordingly, the GSPCB through its Environmental Engineers inspected the plant and furnished a report dated 22.01.2021. This report records the following observations :

“Observations:

1. During the inspection it was observed that the blast furnace no 3 was shutdown and was under maintenance.

2. On inquiry it is understood that the internal refractory lining and staves have been replaced.

3. The unit official informed that Blast furnace needs to be relined at intervals varying from 5 to 10 years depending upon the condition of refractory lining, and also if the shell is found to be damaged same is also replaced.

4. The external shell of the blast furnace 3 was also replaced as it was found to be damaged keeping the foundation and the top portion as it is. No changes have been made to the platforms, staircases and external civil structures.

5. The information on shutdown of blast furnace 3 for relining of blast furnace was submitted to the board vide letter no. VAB/ENV/20-21/36 dated 26.11.2020.

6. The internal lining of the hot blast stove i.e. 6 mts in depth from the top have been replaced as informed by the unit representative present during the inspection.

7. The external portion of hot blast stoves was being painted as observed during the inspection.”

5. Now, the main allegation of the Petitioners was that Respondent no.6, without obtaining any permission from any authorities, including in particular the GSPCB and the Ministry of Environment, Forests and Climate Change (MEFCC) was

undertaking enhancement and expansion of Blast Furnace-3 at its Navelim plant. The Petitioners had also sought for a direction that the structure of Blast Furnace-3 should be dismantled because the same was unauthorized or at least the expansion and enhancement were unauthorized.

6. The above-referred observations in the inspection report, however, suggest that internal refractory lining and staves came to be replaced and the shell which was found to be damaged was also replaced. Further, the report categorically states that no changes have been made to the platforms, staircases, and external civil structures.

7. Based on the reports, Mr. Pavithran, learned Counsel for the GSPCB stated that the GSPCB was satisfied that there was no enhancement or expansion of the Blast Furnace – 3 that was being carried out.

8. Mr. Kantak, learned Senior Advocate appearing for Respondent no.6, also made a categorical statement that there was no enhancement or expansion of Blast Furnace-3 that was carried out. He submitted that Respondent no.6 is quite aware that such enhancement or expansion requires necessary clearances from MEFCC and GSPCB. He submitted that there was no question of undertaking any enhancement or expansion without permissions from the prescribed authorities and putting in jeopardy the existing permissions.

9. Mr. Kantak, learned Senior Advocate, referred to the affidavit filed by Navnath L. Vhatte, authorized signatory of

Respondent no. 6. He made particular reference to paragraphs 4, 10, and 11, which read as follows :

“4. At the further outset, the Respondent no.6 states that the BF-3 is being operated within the prescribed quantity i.e. 0.54 million tonnes/annum, as prescribed under Environment Clearance granted by Ministry of Environment, Forest & Climate Change, Government of India, dated 05.09.2016 and Consent to Operate, dated 24.08.2020 granted by Goa State Pollution Control Board.

...

10. It is pertinent to mention here that the afore-mentioned activities do not increase the production capacity of the Blast furnace 3 beyond the consent capacity of 5,40,000 Tonnes per annum. The production capacity of the furnace can be increased by inter alia increasing wind volume by modifying the blowing system; increasing oxygen percentage by installing oxygen plant; increasing Fe% in iron ore; increasing Sinter % in the blend: introducing pellet in feed; change in Grade blend, which has not been carried out in the instant case and which can only be done post the grant of Environment Clearance, in the event MoEF & CC grants approval for enhanced capacity as

sought by the Respondent no.6. At this stage respondent No.6 once again reiterates that presently the BF-3 is being operated within the quantities prescribed under the EC and Consent to Operate i.e. 0.54 million tonne/annum.

11. It is reiterated that, the activity alleged by Petitioner is illegal expansion and upgrading the BF-3 to enhance the production capacity, is nothing more than long term maintenance carried out in furtherance with safety requirement of operation of BF-3 and to avert any possible unsafe condition and in which process there is no increase the production capacity of the BF-3.”

10. The aforesaid statements made on the affidavit also make it clear that Respondent no. 6, has not undertaken any expansion or enhancement works. Such statements are recorded. The statement that no such expansion or enhancement works will be undertaken until necessary clearances are obtained from all the concerned authorities including MEFCC, is also accepted.

11. Based on the aforesaid, the apprehensions expressed in the Petition stand substantially addressed. Therefore no useful purpose would be served by keeping this Petition pending any longer.

12. Accordingly, by accepting the statements made by and on behalf of Respondent No. 6, this Petition is now disposed of. There shall be no order as to costs.

M. S. SONAK, J.

SUNIL P. DESHMUKH, J.

ANDREZA PEREIRA
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