

BEFORE THE NATIONAL ENVIRONMENT APPELLATE AUTHORITY
NEW DELHI

DATED 31ST DAY OF MARCH 2007

PRESENT :

HON'BLE MEMBER KAUSHLENDRA PRASAD
HON'BLE MEMBER DR. I.V MANIVANNAN

APPEAL NO. 5 /2007

BETWEEN:

Sudhansu Sekhar Panda,
Convenor, Keonjhar Surakshya Parishad
R/o. Garasahi, PO – Keonjhar Bajar,
Dist – Keonjhar, Orissa –758002.



AND

1. Ministry of Environment and Forests,
Through the Secretary
Paryavaran Bhawan,
C.G.O Complex, Lodhi Road,
New Delhi – 110003.
2. The Orissa Pollution Control Board,
Through its Member Secretary
Paribesh Bhawan, A / 118, Nilkhanth Nagar
Bhubaneswar – 768203.
3. M/s. Orissa Sponge Iron Ltd.,
A/413, Sahid Nagar,
Bhubaneswar – 751001, Orissa.

RESPONDENTS

Counsel for Appellant : Shri Sudhansu Sekhar Panda,
Shri Ritwick Dutta, Advocate,
Shri Rahul Choudhary, Advocate,

Counsel for Respondents

Respondent No. 1(MoEF) : Shri Satish C. Garkoti,
Additional Director, MoEF,

Respondent No. 2(OPCB) : Shri. Janaranjan Das, Advocate,
Shri. Sweaketu Mishra Advocate,

Respondent No. 3 : Shri Pradeep K. Bakshi, Advocate,
(M/s. Orissa Sponge Iron Ltd) with Amita Rajora, Advocate,
Shri Sukanta Panda, GM (Mines),
Orissa Sponge Iron Ltd.,

ORDER

1. This is an appeal filed on 14th June 2007 under section 11(1) of the National Environment Appellate Authority (NEAA) Act, 1997 against the Environmental Clearance Order No. J-11015/49/2006-JA.II dated 16.05.2007 of the Ministry of Environment & Forests (Respondent-1) for setting up Malangtoli Iron Ore Mining Project of M/s. Orissa Sponge Iron Ltd. in Village Lakhala and Kadakala, Tehsil Telko, District Keonjhar, Orissa (Respondent -3). This Authority admitted the Appeal on 16th October, 2007 under clause (a) of the Section 11(2) of the NEAA Act, 1997 for hearing on merit. Notices were issued to the parties concerned in the appeal by fixing hearing on 28.11.2007.
2. This Appeal was heard on 28.11.2007, 11.12.2007, 17.01.2008, 29.01.2008 and 13.02.2008. After hearing the counsel for the Appellant and the Respondents on 13.02.2008, the Authority felt the need for site inspection in this case so as to know the exact site location, impact of the project on Primitive Tribal Group (Paudi Bhiyans), watercourse and overall environment. Accordingly, the case was adjourned for site inspection.
3. In the meantime, the Appellant filed an application for withdrawal of Appeal on 5th March 2008, stating the following reasons:
 - (i) During the pendency of the Appeal, the affected persons have been discussing the matter with Respondent - 3 who has agreed to the demands of the affected persons and have assured that
 - (a) They would take all precautions to see that perennial streams including Khandhar waterfall in the area are not be affected/ polluted on account of mining.
 - (b) The affected persons living in the vicinity of the leased area of Respondent-3 will be preferred for employment at mining site;
 - (c) All efforts shall be taken to keep the leased area green and environment of the area will be protected.

(ii) The appellant and the affected persons are fully satisfied with the assurances given by Respondent-3 and the affected persons have resolved that they did not wish to proceed with the appeal and decided to withdraw the same.

A copy of the Resolution passed by the affected persons was filed in the court.

3. The application was taken up for hearing on 27.03.2008. Appellant himself was present in the court, and he requested for the permission to withdraw the Appeal. The counsel for the Appellant agreed in principle to the application filed by the Appellant for withdrawal. But, he submitted that the Appeal may be proceeded with for further course of action and Authority may deliver the final verdict in the interests of protection of the environment of the Project area. He filed a note on his concern for protection of the environment. Counsels for the Respondents mentioned that they have no objection for withdrawal of appeal.

4. The Authority heard the parties to the Appeal and decided that the application for withdrawal of the Appeal be allowed. The Appeal is therefore dismissed as withdrawn.

No order as to costs.


(Dr. I.V. MANIVANNAN) 31.6.2008
MEMBER, NEAA


(KAUSHILENDRAPRASAD)
MEMBER, NEAA



"certified to be true copy"

