
(2010) 10 BOM CK 0157
In the Bombay High Court
Case No : Writ Petition No. 600 of 2010

Green Goa Foundation, a Registered Trust	APPELLANT
Vs	
State of Goa and Others	RESPONDENT

Date of Decision : 18-10-2010

Acts Referred:

Citation : (2010) 10 BOM CK 0157

Hon'ble Judges : F.M. Reis, J;D.G. Karnik, J

Bench : Division Bench

Advocate : Rayan Menezes, for the Appellant; A.N.S. Nadkarni and D. Lawande, for Respondent No. 2, R. Kantak and S. Bhandodkar, A.G.A. for Respondent Nos. 1, 3 and 4, for the Respondent

Judgement

F.M. Reis, J.—The above Writ Petition is preferred in public interest and raises a concern over the indiscriminate use of industrial slag for road construction and the negligence on the part of the concerned authorities in allowing the use thereof without any scientific analysis or certifying the same to be safe. The petition has also been filed on account of inaction on the part of respondent Nos. 1 to 3 to take timely action against the use of industrial slag by respondent No. 5 for construction of road in paddy fields at Assolna close to river Sal.

2. It is the contention of the petitioners that the respondent No. 5 has undertaken the work of construction of a bridge from Assolna to Cavelossim on behalf of respondent No. 3 which road is adjoining the paddy fields and about 10 metres away from river Sal. The petitioners received complaint from the locals of the village to the effect that some foul smell material was being dumped for the construction of the said road and on inspection it revealed that industrial slag was being brought from various industries and the same was being used for the construction of such road. It is further their contention that the industrial slag is from steel manufacturing units of Cuncolim Industrial Estate and there is good chance that the industrial slag may contain pollutants, toxic and hazardous compounds which could reach to the ground level and contaminate the river Sal.

It is further their contention that they believe that the said slag which is being used for the construction of the said road has not been scientifically approved and it would be unsafe to allow such user until an expert body or competent authority such as respondent No. 2 has certified it safe for its use. It is further their contention that indiscriminate use of such material may cause environmental hazards and as such, they addressed complaint to the Chairman of the Goa Pollution Control Board and other departments to that effect. It is further their contention that the respondent No. 4 immediately acceded to their complaint and stopped the trucks that were proceeding to the site. It is further alleged that the Executive Engineer, P.W.D. informed the petitioners that such use of industrial slag by respondent No. 5 was to level and line the unpaved approach road to the bridge at Assolna and that they had referred the matter to their consultant Madhav Kamat and Associates and investigation was in progress. It is further their contention that they apprehend that such user of industrial slag may result in an environmental hazard of grave consequence and consequently filed the petition seeking for a writ of mandamus or writ in the nature thereof not to permit the user of the said slag.

3. The respondent No. 2 filed their affidavit and stated that by letter dated 6.9.2007, The Central Pollution Control Board has informed the Goa State Pollution Control Board that concentration of all heavy metals in samples of slag collected from the Induction Furnace unit/submerged arc furnace units are within permissible limits. It is further stated that the Goa State Pollution Control Board had requested the Central Road Research Institute, New Delhi to carry out a study on feasibility in use of steel slag in construction of embankments and pavement layers and that vide letter dated 13.8.2010 the said institute had submitted a feasibility study of steel slag usage for construction of embankments and pavement layers wherein it was concluded that utilization of steel slag in the construction of embankment, sub-grade and granular sub-base layers will certainly create value in the form of avoiding accumulation of waste on fertile/residential land at one end and mining of resources at the other end. It is further stated that this initiative has tremendous value for the environment conservation angle and it would create a win-win situation for the user and for the society at large. In the affidavit it is further stated that the Board was subsequently in receipt of a letter from the Executive Engineer, Works Division VI, P.W.D., Government of Goa, requesting for No objection certificate for the user of industrial slag from the industrial units of M/s Pooja Ferro Alloys Pvt. Ltd., Cuncolim Industrial Estate for the road filling for a bridge project connecting Cavelossim and Assolna over the river Sal. Considering the said letter dated 6.9.2007 of the Central Pollution Control Board and the feasibility study of steel slag as submitted to the board by the Central Road Research Institute, New Delhi, No objection Certificate has been issued for utilisation of induction furnace slag/ferro manganese slag for the construction activity of Assolna-Cavelossim bridge in Navelim constituency.

4. On perusal of the report attached to the said affidavit, we find that the Central

Road Research Institute vide letter dated 13.8.2010 have submitted the final report which inter alia states that utilisation of steel slag in the construction of embankment, sub-grade and granular sub-base layers will certainly create value in the form of avoiding accumulation of waste on fertile/residential land at one end and mining of resources at the other end and that this initiative has tremendous value from environment conservation angle, and this will create a win-win situation for the user, for the generator and for the society at large. Therefore, its utilization in the construction of road is strongly recommended. Pursuant to the said report we find letter dated 23.8.2010. The Goa State Pollution Control Board, the respondent No. 2 has given its No Objection Certificate for utilisation of induction furnace slag/ferro manganese slag for the construction activity for the construction of Assolna-Cavellossim bridge only, in Navelim constituency.

5. In view of the said material placed before us, we find that the apprehension of the petitioners that there is indiscriminate use of industrial slag for the construction of the unpaved approach road for the said bridge are not subsisting. A detailed analysis has been made before such user. The petitioners have not brought on record any other material to disapprove the findings in the report produced by the respondents, nor produced any evidence in support of their contention that the user of such lag would contaminate the River Sal. We as such find that the user of such slag for the construction of Assolna-Cavellossim bridge only in Navelim constituency cannot be said to be without the necessary permission from the Goa State Pollution Control Board. The other grievances raised by the petitioners about the ban in user of industrial slag, and their rights in general cannot be considered in the present petition as no material has been produced by them to show that any study, having been made showing any adverse impact in the environment for such user. The said aspect can be considered only in case sufficient material is produced o that count.

6. For the reasons stated herein above, we find that the apprehensions of the petitioners about user of industrial slag for the construction of Assolna-Cavellossim bridge do not survive in view of the affidavit of respondent No. 2 and consequently, the above petition is disposed of with no order as to costs.